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PAPERS RELATING TO THE SLAVE TRADE 1826-27

Slave Trade 73

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British Parliamentary Papers

PAPERS RELATING TO THE CONDITIONS OF SLAVES IN BRITISH POSSESSIONS AND OTHER PAPERS RELATING TO SLAVERY AND THE SLAVE TRADE

1826-27

Slave Trade

73

IRISH UNIVERSITY PRESS

SHANNON · IRELAND

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TRINIDAD SLAVES.

RETURN to an Address of The Honourable the House of Commons, dated 4th May 1826;—*for*

COPY OF ALL LAWS AND REGULATIONS

Which prescribe the Time to be allowed to SLAVES in *Trinidad* for the cultivation of their Provision Grounds; Returns of Wages fixed by the Protector of Slaves for *Sunday* labour, together with the Rate of Exchange between Trinidad and England at the time such Wages were fixed.

Colonial Department,
Downing Street,
11 June 1827.

Ordered, by The House of Commons, *to be Printed*, 12 *June* 1827.

Trinidad, 27th April 1827.

SIR,

IN compliance with the directions conveyed in your letter of the 7th March, I have received from the Protector and Guardian of Slaves, the information required by the House of Commons, in the memorandum inclosed in that letter, which is herewith transmitted.

I have, &c.

(signed) *Ralph Woodford.*

R. J. Wilmot Horton, Esq. M. P.
&c. &c. &c.

—1.—

Protector and Guardian of Slaves Office,
26 April 1827.

SIR,

IN obedience to the command contained in your Excellency's letter of the 16th inst., I have the honour to transmit to your Excellency a copy of the only regulation prescribing the time to be allowed to the Slaves in this island for the cultivation of their provision grounds.

I have also the honour to inclose a copy of the Returns of Wages fixed by me for the Sunday labour of Slaves, with the rate of Exchange between Trinidad and England at the time such wages were fixed; also showing the rate of such wages in sterling.

I have, &c.
(signed) *Henry Gloster*,
Guardian of Slaves.

His Excellency,
Sir Ralph James Woodford, Bart.
Governor and Commander-in-Chief,
&c. &c. &c.

—2.—

Copy of the second section of the second Article of an Ordinance issued by His Excellency *Thomas Picton*, Esquire, Governor and Commander-in-Chief of the Island of Trinidad, dated the 30th June 1800.

"Exclusive of the allowance of salt meat or fish (in which there can be no exemption), every working Negro of fourteen years and upwards, shall have a portion of land allotted to him, adequate to produce, by cultivating it, a sufficiency of ground provisions for himself and his family; and to furnish him the more effectual means of doing so, he shall be allowed the Saturday, from noon, to work in his grounds, from the first day of July to the first day of January, if he belongs to a sugar plantation; and from the first day of January until the first day of July, if he belongs to a coffee, cocoa, or magnioc plantation; he will also have his Sundays, and the four great annual holidays of Christmas Day, New Year's Day, Good Friday, and Corpus Christi."

— 3. —

Return of WAGES fixed by the Protector of Slaves, for *Sunday* Labour of Slaves, with the Rate of Exchange between Trinidad and England at the time such Wages were fixed; also showing the Rate of such Wages in Sterling.

	AMOUNT in Currency.	TIME when fixed.	RATE of Exchange.	AMOUNT in Sterling.
Drivers, Boilers and Artificers of every description, per diem -	£. 0. 6. 0.	3 Dec. 1824	£. 214 C^{y}	£. 0. 2. 9 $\frac{1}{2}$ $\frac{62}{107}$
For any time not exceeding two hours - - - - - -	£. 0. 2. 0.	idem	idem	£. 0. 0. 11 $\frac{92}{107}$
For any time above two hours, and not exceeding four - -	£. 0. 3. 0.	idem	idem	£. 0. 1. 4 $\frac{3}{4}$ $\frac{31}{107}$
Field labour, per diem - -	£. 0. 4. 0.	idem	idem	£. 0. 1. 10 $\frac{1}{4}$ $\frac{77}{107}$
For any time not exceeding four hours - - - - - -	£. 0. 2. 0.	idem	idem	£. 0. 0. 11 $\frac{92}{107}$

(signed) *Henry Gloster*,

26 April 1827. Guardian of Slaves.

TRINIDAD SLAVES.

RETURN,

Laws and Regulations; Protector of Slaves; and Rate of Exchange.

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1827.

405.

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TRINIDAD NEGROES.

RETURN to an Address of The Honourable House of Commons, dated 12th June 1827; *for*

EXTRACTS

From the Minutes of Evidence taken by the Committee of the Council of *Trinidad*, for enquiring into the Negroe Character.

Colonial Department,
Downing-Street,
14 June 1827.

R. J. WILMOT HORTON.

VIZ.

Tuesday, 14th December 1824:
Robert Mitchell, Esq.

Tuesday, 21st December 1824:
Joseph Harrigan, Esq.
Joseph Peschier, Esq.

Tuesday, 28th December 1824:
Dr. Alexander Williams.
Joseph Peschier, Esq.

Tuesday, 11th January 1825:
Antoine Victoire St. Brisson, Esq.

Tuesday, 18th January 1825:
Dr. Alexander Williams,
Burton Williams, Esq.

Wednesday, 19th January 1825:
Dr. James Lynch O'Connor.

Tuesday, 25th January 1825:
Josiah St. Jago Robbins, Esq.

Wednesday, 25th January 1825:
Joseph Peschier, Esq.
José Antonio Adia, Esq.
Thomas St. Hill, Esq.

Tuesday, 1st February 1825:
Robert Mitchell, Esq.

Wednesday, 2d February 1825:
John Cobham, Esq.
James Meany, Esq.

Tuesday, 8th February 1825:
Mr. Argust F. Blackwell.
Mr. John Fogerty.

Wednesday, 9th February 1825:
Dr. Elias Tardy.

Tuesday, 15th February 1825:
William Stuart, Esq.
John Lamont, Esq.

Tuesday, 22d February 1825:
J. B. Littlepage, Esq.

Tuesday, 1st March 1825:
Edmonstone Hodgkinson, Esq.

Wednesday, 2d March 1825:
Dr. R. Garcia.

Wednesday, 9th March 1825:
St. Hilaire Begorrat, Esq.

Friday, 11th March 1825:
John Lamont, Esq.

Wednesday, 16th March 1825:
Henry St. Hill, Esq.
Edmonstone Hodgkinson, Esq.

Saturday, 9th April 1825:
William Wright, Esq.
Senor D^{n} José Zepero.
The Rev. David Evans.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1827.

EXTRACTS

From the Committee of Council of Trinidad, appointed on the 4th of November 1824, "for the purpose of obtaining a more correct knowledge of the Negro Character, as exhibited in this Colony, in the state both of slavery and of freedom."

Tuesday, 14*th December* 1824.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

Robert Mitchell, Esq. sworn, and Examined.

Extracts from Minutes of Evidence before Committee of

WHEN did you first arrive in this Colony? In 1797.—What profession have you followed during that period? Five years a merchant; twenty-two years a planter.—Have you resided for the whole of the latter period upon your estate? Eighteen years only.—During these eighteen years have you conducted your estate in detail yourself, or by the assistance of a manager? Generally by a manager, occasionally by myself.—Then you think yourself quite competent to speak on every point of detail relating to the management of a sugar estate? No, I scarcely think myself competent.—To what branches do you allude, in which you consider yourself not competent? I am competent only to speak to the care and management of negroes in the hospital.—Are we to understand, then, that you manage your estate yourself only in case of necessity? Yes.—Are you not chief superintendent of the American refugees? I am.—Have you filled that situation since their first arrival in the colony? Yes.—When did these refugees first arrive in this island? The first party, fifty-seven in number, arrived in November 1815, five hundred and seventy-five in August 1816, and seventy-nine in January 1821.—Did these three parties constitute the whole original number of American refugees? Yes; but fifty-two African females were added to the settlements in 1817, and a short time afterwards eleven more. These females were prize negroes, sent from Barbadoes. No other addition has been made to the settlements from any other source.—What is the present total number? I think about eight hundred and seventy-six; but will produce a correct return when next before the Committee.—Can you state how much their establishment has cost the government? I think about 30,000 *l.* currency up to 1822; but a correct statement can be procured from the Treasury.—Had they any particular difficulties to contend with on their first arrival? None in particular; the principal party came at the commencement of the rainy season, which I consider to have been unfavourable to them.—In what particular respect did that circumstance prove unfavourable to them? It prevented labour from proceeding advantageously, and induced fluxes and fevers, of which one hundred cases occurred in the first three months.—What preparations were made for them previous to their arrival? Four thatched buildings, each sixty feet long and twenty feet wide, were ready for them; all that these could not accommodate were received in the Indian village, and no individual suffered from want of shelter.—Did they erect their own houses subsequently without assistance? They received nails and necessary tools; and being divided into companies, the sawyers and mechanics amongst them supplied the necessary materials and workmanship, which could not be performed by ordinary individuals.—Did they not receive provisions and rations from government whilst engaged in this work? Yes, they received rations by order of government, for eight months.—Did the distribution of rations cease at the expiration of that period? Some ceased to receive rations in five months; generally they ceased at the expiration of the eight months; but rations continued to be distributed to the infirm until their recovery.—What further assistance did they receive from government? They received hoes and cutlasses, which are the only agricultural implements they require.—Did they receive any cooking or domestic utensils? An iron pot for cooking to each mess, sufficient for that purpose.—How much land did each settler receive? They received five quarres, or sixteen English acres each, so soon as the distribution of the

Council of Trinidad, on the Negro Character.

the allotments could be made out, which has only lately been done.—How did they maintain themselves previous to the distribution of these allotments? They were allowed to cultivate as much land as they pleased in the vicinity of their villages, of which there was more than they could cultivate.—Have they paid any thing for the expense of that survey, or any consideration for the land? None.—Are they subject to any taxes or dues of any description whatever? They are subject to a quit rent, and to the hospital dues, and to no other tax or assessment.—What do these amount to? The quit rent amounts to 15*s.* currency, or 6*s.* 6*d.* sterling per annum, for the sixteen acres; and the hospital dues to 18*s.* currency, or 7*s.* 6*d.* sterling per quarter.—What are the refugees entitled to receive in return for these hospital dues? Medicine, medical attendance when ailing, nourishment, and whatever may be prescribed by the medical attendant.—When were the hospital dues first established? In 1818.—Under what authority? That of his Excellency the governor.—Has a medical practitioner been constantly engaged since that period, to attend upon them? Whenever one could be procured, he was engaged by the year, otherwise he was employed by the visit; but they have never been without the benefit of a medical attendant.—Are they removed to an hospital when sick? They are attended in their own houses.—Why was this mode preferred? Because I consider it the least expensive, and most beneficial arrangement for themselves.—Is there any code of instructions by which these people are governed? Yes.—Have you a copy? Not with me; but I will produce it when next before the Committee.—In what respect do they differ by these instructions from free labourers in general? They cannot work out without a permission from me; and a contract is entered into before me between the parties.—Under what circumstances do you feel yourself authorized to refuse such permission? I refuse it whenever the hospital dues of the party desirous of working out are unpaid.—From what you have stated to the Committee before, the refugees appear to be established in messes; please to explain the nature of the whole arrangement? They are established in eight villages, each under the superintendence of a serjeant and corporal, whose duties are to keep the peace; they have authority from me to confine in the stocks for twenty-four hours, and to inflict twelve lashes for petty thefts, or disturbance of the peace, but must report the same to me on the day after the offence. What authority do you exercise yourself beyond the cases recited, and from whence is that authority derived? I exercise a discretionary authority; and in cases where the offences are not of a very serious nature, I take cognizance of them as superintendent. I have sentenced to fifty lashes, but never enforced beyond twenty-five, and in all such cases I report the same to the governor: I have no written authority so to act; but immediately on the arrival and establishment of these people, Judge Bigge came down and addressed the assembled companies, explaining to them that in serious cases they would be sent up for trial to Port of Spain, but in cases of a less serious complexion, that I should take cognizance of them. Under that authority I have continued to act, and have reported my proceedings regularly to his Excellency the governor, which have been approved of by him.—Does that approval precede the execution of the sentence? For the last three or four years it does.—Do any broils or disputes take place amongst them respecting their women? More from that source than any other, but the number of broils are very limited.—Do you think that disputes on this account occur more frequently with them than amongst slaves? In about the same proportion.—Are these broils and disputes principally amongst the married couples or the single people? Principally amongst the married couples, and more amongst the Africans than the American born.—Are they generally observant of the marriage tie? Generally so, and they live decently together.—Taking them generally, do you consider them to be a sober people? They consume a great quantity of rum, but many of them are sober, particularly the officers and headmen.—What are the Committee to understand by your expression of "many" of them being sober? About one half I consider sober, who either do not drink at all, or who do not drink to excess frequently.—Are the women at all given to intoxication? A few of them.—Do you think in a greater proportion than slave women? I think more than I should expect to find in an equal number of slave women.—Are they careful of their children? Yes, more particularly the American born; they feed and clothe them well, according to the usage of the country.—Are they more attentive in this respect than slave women generally are? I think the American women are, but not the African women.—Do they consider themselves to be of a superior rank to the slaves? It appears to me that the Americans do.—Do they associate freely, and upon an equality with the slaves?

 Yes,

Extracts from Minutes of Evidence before Committee of

Yes, generally, when employed upon plantations; and they appear to have no objection to dine and mix with them in their dances and amusements; but I know several, perhaps one tenth, which include the headmen, who do not so associate with them, and I think it arises from their considering it a condescension.—Do any of these headmen appear to have much influence over them? Yes, some, a considerable influence over them.—Does that influence arise from the authority they possess under your superintendence? It does, when united with other intelligent qualities; I think the authority is the basis of their control.—When you stated that they associated freely with slaves upon estates, do you mean that they do not so in their settlements? I do.—Do they ever give dances or entertainments at their settlements? Frequently on Saturday and Sunday evenings.—Would they exclude slaves of their acquaintance from joining them on these occasions? I do not know, but they are prohibited from receiving the slaves. Do they ever harbour runaway slaves? I have only known of two instances in which runaway slaves have been found in their houses, and I do not believe that it has ever occurred more frequently; they have been repeatedly warned that severe punishment would be the consequence.—In what respect do they differ in their food and state of living from slaves on estates? The American lives decidedly better, the African a little more so.—Do you think their serjeants and corporals live better than the drivers and headmen upon established estates? I do not think they do.—Do they clothe themselves on holidays better than slaves in general? I do not think much better on holidays, but decidedly better at their ordinary work.—Do the men cohabit with negresses upon estates? The unmarried men do.—Do they appear attached to their offspring by these connections? I have had no opportunity of judging.—Do they make themselves useful in apprehending runaway slaves? They have apprehended several, having orders to stop all negroes without passes going through the settlements, for which they receive the usual reward of four dollars each for those belonging to the quarter, and eight dollars if belonging to an adjoining quarter.—From their feelings towards the slaves, do you think they would skreen them if skulking in the neighbourhood? I do not think they would.—In the event of any insubordination amongst the slaves, do you think there would be any danger of the American refugees joining them? I do not think there would.—Will you explain to the Committee the grounds of that opinion? These people have been brought up as soldiers, with the feelings of soldiers, and consider themselves indebted to the government for every thing; I have always endeavoured to keep up that feeling, and have always found them prompt when called upon.—Do you think there may be no danger of that feeling subsiding from their usual intercourse with slaves, and having children of their own by slaves upon plantations? It may have that tendency.—Has any thing like a riot or disturbance occurred amongst them since their establishment? No.—Have they any arms in their possession? They have no King's arms when they turn out to parade, but they have many fowling pieces in their possession; thirty out of the first party who joined the militia of the quarter keep their own arms, which are only pikes.—Then the great body of them are not embodied with the militia? No.—Is there any particular reason for this distinction? I had no order to embody them with the mititia.—Did you not consider that the proclamation ordering every freeman to join the militia, applied to these people. I did not.—Has the mode you have adopted been approved by the governor? It has.—In what respect does the parade duty they perform differ from ordinary militia duty? They assemble only with the militia on the ground, where their names are called over, and on ordinary occasions they are immediately dismissed.—You have stated that these people work out only by permission; can they absent themselves for any length of time from the settlements but by permission? The regulations prohibit it, but they do it very frequently.—Is there any particular day or time fixed when they are all required to show themselves to you as superintendent? No particular day.—What is the total number of the refugees now on the list of the establishment? I think eight hundred and seventy-six; but I will furnish a correct list.—Has any register been kept of the births and deaths. Yes.—Do you consider it to be a correct one? Yes. Do they baptize their children regularly? I think they do, but I have no register of the baptisms; Mr. Adams, a missionary, baptized some; Mr. Hewitson, a clergyman of the established church, some; Mr. Woolley, I think, some; and the catholic priest at the mission.—Do they consider the children so baptized by the latter as catholics? I am sure they do not.—How many of the refugees are now resident at the settlements? I think about seven hundred, of which two hundred may be men, the rest women and children.—How many adults are there in the whole

Council of Trinidad, on the Negro Character.

whole number of refugees? I think about three hundred and fifty men, and about one hundred and sixty women.—Of the three hundred and fifty men, how many have a fixed residence at the settlements, and never leave it to work elsewhere? I think under fifty, but I will ascertain this more correctly.—How many of these three hundred and fifty men have no residence at the settlement? About one hundred and fifty, who are unmarried men, with the exception of three or four.—How many of these have absented themselves altogether without leave? About fifty, the remainder show themselves occasionally.—Of the one hundred and fifty who appear to have no fixed residence at the settlements, how do you suppose they are employed? Some in droghers (as sailors); some in Port of Spain, and others on estates; but I know of only two who are cultivating king's land on their own account.—Of the two hundred men who are established at the village, do they all cultivate ground on their own account? Yes.—Are these all married men? With the exception of twenty to thirty.—Are there any free women cohabiting with the settlers not included in the list? About six; three of whom are English negresses, and three French coloured women.—Do these two hundred men, who cultivate ground at the settlements, ever work out on hire? Yes, about one hundred and fifty of them.—For what periods of the year? They generally work out from January to the end of April, cutting canes; some in September, October and November planting canes, and many in December cutting fire wood; about fifteen or twenty saw and cut timber for the greater part of the year. Do these men go to any distance from the settlements? Seldom beyond the neighbouring quarter.—What portion of time in the year does each individual think necessary to devote to his cultivation at the settlements? I think fully six months, exclusive of Saturdays to Mondays, when they most generally go home.—Do they ever work on Sunday in their own grounds? Never.—How do the sawyers and stave splitters keep their cultivations in order when absent for the greater part of the year? Generally speaking they are more industrious, earn more, work well in their grounds, and can afford to hire others to assist them; so that their cultivation is equally extensive and in as good order as the others.—What wages do they generally receive for cutting canes? The price is 18*l.* currency per quarrie, or three acres and one fifth, when they are ratoon canes, and 22*l.* for plant canes.—How long would it take an able bodied slave to cut a quarrie of plant canes? I cannot say.—How much do you think a steady working American, without undue exertion, could gain per day at this work? I think he might gain 9*s.* currency per day; I judge from having seen a piece cut down by them, and having made the calculation; but at their usual rate of work they do not gain more than 4*s.* 6*d.* currency.—Do you think that a steady good working slave would gain as much as 9*s.* currency per day at the same work? I think so.—What wages are they paid for planting canes? Generally from 50*l.* to 60*l.* currency per quarrie, or three acres one fifth, inclusive of clearing it of bush; at this work I do not think they clear so much per day as by cutting canes, when the demand for them is greater.—What do they charge for cutting a cord of wood, and what are the dimensions of a cord? They charge 6*s.* to 7*s.* per cord of six feet high, eight feet long, and four feet wide.—How much of this work can they perform in a day? They can cut one and a half cords with great ease, but they seldom cut more than one.—What other work do they engage in? They fell high woods on the same terms and equally well, with peons, at the rate of 18*l.* currency per three acres and one fifth (a quarrie): I am not aware that the Americans at the settlements ever engage in any other employments than those I have specified.—What is the nature of their cultivation on their own land? Provisions generally, corn, rice and plantains; they have lately planted a few coffee trees; and there may be one thousand coffee trees in the whole settlement; no cocoa, cotton or indigo.—Do they raise more corn and rice than they consume? Yes.—What are the usual prices of these articles in the neighbourhood of the settlements? Corn in times of plenty is one dollar per barrel, frequently two, and as high as two and a half; but this corn is unshelled, and taken by the purchasers at their doors.—How much is this per bushel of shelled corn? At the rate of two barrels and a half in the ear to one in grain, which contains three Winchester bushels, the price at the cheapest time is 7*s.* 6*d.* currency per bushel.—What is the ordinary price of rice? Clean rice sells from five to ten dollars per one hundred pounds in the neighbourhood of the settlement.—Is this well cleaned, fit for the London market? It is much broken for want of mills, but is sweet and good for use.

Tuesday, 21st December 1824.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

Joseph Harrigan, Esq. sworn, and Examined.

Extracts from Minutes of Evidence before Committee of

WHEN did you arrive in this colony? In June 1823.—Whence did you come? From Tortola.—What object brought you to this colony?—To fix forty negroes by leasing them out, if I could not dispose of them by sale.—What arrangements did you ultimately make? I thought it more advantageous, after some enquiry, to purchase an estate, and did so.—Have you brought any more negroes to the colony since that period? About one hundred and thirty more; from the whole number I have sold fourteen, and retain the remainder to cultivate the land I have purchased.—Did you follow the profession of a practical planter for many years in Tortola? From sixteen to twenty years in Guana Island and Spanish Town, under the government of Tortola.—What produce did you grow upon your estates? Cotton entirely.—Did you understand the mode of cultivating sugar in those islands? Not perfectly; but I have seen a great deal of it, and have had the direction of several sugar estates as attorney and executor.—What induced you to leave those islands and emigrate with your slaves to Trinidad? From the barrenness of the soil, the frequent losses arising from hurricanes, and dry weather.—How did you feed your slaves generally in Tortola; by provisions from the store, or by land apportioned out to each individual to cultivate for his own use? They had as much land as they chose to cultivate, but I was generally obliged to give them a weekly allowance of American provisions from the store, because they were not able to raise provisions for themselves.—Then the supply of ground provisions to your slaves in Tortola caused some annual expense? Very considerable; some years the crop would not pay half the expense.—Were not the slaves occasionally subjected to privations in consequence of the difficulty and expense in feeding them? Notwithstanding every exertion they were frequently subject to great privations; on many occasions the proprietors had not the means of feeding them, and the weaker ones must have suffered considerably.—Whence do the people of Tortola principally derive their supply of American provisions? From St. Thomas's.—If all foreign supply were withheld, would the labour of the slaves applied solely to the cultivation of provisions enable them to subsist themselves? Certainly not if left to themselves, but under the direction and discipline of their masters it might be done; but this I think doubtful, and, in case of a hurricane, impossible.—Are you then of opinion that a slave, when freed, will not work as steadily as when in a state of slavery? Certainly not; particularly in the cultivation of the soil.—On what grounds do you form this opinion? Principally from my observations of the conduct of the slaves manumitted by Mr. Nottingham and others; and particularly from a body of fifteen manumitted by Mr. Perceval about the year ; the land he gave them, one hundred and sixty-six acres, joined my estate; the greater number sold their land; I purchased about one half of it, and could have purchased the whole had I been disposed to do so.—How then did these people of Perceval's support themselves? Some by fishing, others went to sea; three or four of them fared very badly, and were dependent upon my slaves for support.—How many of those originally manumitted by Mr. Perceval did you leave resident upon their land? Not more than three or four, when I left Tortola in May last.—In what state was their cultivation at that time? Little or none; not sufficient to support them more than a week.—You have then revisited Tortola since your arrival in this colony in June 1823? Yes, I went there in February last to remove my family to this colony.—Had you any code of laws for the regulation and management of slaves in Tortola? Yes, there was an Act called the Slave Act, which was passed shortly after the establishment of the legislature, many parts of which have never been acted upon in a single instance that I am aware of; some of these clauses have been since repealed as injurious to the slaves.—Have you a copy of these Acts, or either of them? No, I do not believe they are in print.—Is there in existence any printed copy of the laws of Tortola? I believe not.—What produce do you propose cultivating on your estate in this colony? Sugar only.—Do you propose to manage the estate yourself? I shall reside upon it,

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it, and be assisted by a manager.—Was your estate fully cultivated when you purchased it? No, not more than twenty acres cultivated; fifty to sixty acres of wood were cut down; I have had forty-five acres cut down since I took possession, and am now cutting down more.—Do you employ your slaves in felling these woods? In the provision grounds I do, otherwise I employ free labourers.—What description of free labourers do you employ? Peons to cut down timber; American refugees to saw boards and scantling.—Do you find these people behave well and continue steady at their work? I have no fault to find with the peons, they work by contract, and I was in no hurry; I generally gave them sufficient time, having never found them punctual to time; with respect to the Americans, I cannot say so much; they are very frequently drunk, work slower than the peons, and mix more with the negroes.—What objection have you to their mixing with the negroes? They entice them to drink, interfere with the wives of the men, which creates quarrels and disturbances, and I have dismissed them in consequence.—From your knowledge of sugar planting in Tortola, do you think the slaves work harder here than in Tortola? No, I think the labour a great deal lighter, the land in Tortola being dry and rocky.—Is your experience in this colony sufficient to enable you to form a just estimate of the comparative advantages in the situation of slaves in this island, and of slaves in Tortola? I have lived here long enough to enable me to say that the labour of a negro in this colony is much lighter than in Tortola. In what cases do you think a slave in Tortola may have enjoyed advantages over a slave here? The only advantage I know of was the privilege of being allowed to keep cattle.—In what respect did that privilege benefit them? In the use and sale of the milk and butter.—Do you think that a slave in Tortola had better opportunities of making money than a slave in Trinidad? No; generally speaking, they have better opportunities here.—Did the slaves in Tortola increase in number? Generally speaking, I understood there was a decrease, but on my own estate there was a regular increase.—From the observations you have made, have you any reason to doubt the continuance of this increase in your gang in this colony? I see no reason to the contrary; they have continued to increase during the eighteen months some of them have been here.—Are you aware that the negroes in this colony decrease annually, as exhibited by the return of the registrar of slaves? Yes, I have seen the return.—Can you at all account for this circumstance? I really cannot fix upon any particular cause; I am very attentive myself to making my slaves keep themselves dry, and when they return from the field I send the drivers, and frequently go myself to see them throw off their wet clothes; this may be the cause of their keeping in health. Do you think that they would not of themselves take this precaution without being looked after? I think not; I feel it necessary never to let the omission pass unpunished; I lately detected a man getting under his blanket in bed with his wet clothes on.—Are your negroes contented and satisfied with their present situation in this colony? Yes, I believe so; I had lately an opportunity of trying them, when one of my vessels was about to return to Tortola; I told them if any wished to return they might do so; only one old woman seemed inclined to move, and said she would prefer going if her master went, but not otherwise; her chief objection appears to be to the wet weather and the mud.—What clothing do you give your negroes? I give them the usual allowance of two suits; but on their arrival here I give them an extra suit; and should any individual require more, I consider it necessary to supply it, lest they should suffer from the change of climate.

Joseph Peschier, Esq. sworn, and Examined.

HOW many years have you resided in this colony? About twenty-nine years.—What profession have you followed during that period? Since 1804, when I returned from England, where I was educated, I have followed solely the business of a planter.—In what line? Principally a sugar planter; I own a cocoa estate, but cannot say that I perfectly understand that line of cultivation.—Then you think yourself competent to answer most questions connected with the management and cultivation of a sugar estate? Yes.—Are you not also superintendent of the negroes established in your quarter, lately apprentices on Sir Alexander Cochrane's estate? I am.—When were they so established, and when did your appointment take place? In 1820.—What were their original numbers? Sixty.—What are their present numbers? I will procure a correct return to lay before the Committee.—Can you say whether they have increased or decreased? The number

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is about the same.—Do you receive any salary as superintendent? I have received nothing yet; I was offered a remuneration last year, but considered it so inadequate, that I have since petitioned his Excellency the governor upon the subject. —How much did the establishment of these people cost the government? About 680 *l.*; but I beg to refer the Committee to the account before the Governor.—Are they all established in one village? Yes.—What preparations were made for them before they were removed to it? The village being in the vicinity of their former residence (the Good Hope estate), part of them remained in their old houses until they had built others, and another portion remained in the "Casa Real" until their houses at the village were completed.—Did they receive rations for any period? For one year they received rations of rice, corn-meal and fish, as much as was necessary for their subsistence.—Had they any provisions remaining in their old grounds at Good Hope estate? They had, but they received full rations independent of any thing they had from this source.—Had you any written instructions given to you respecting the government and discipline of these people, at the time of their establishment? None, in writing; but his Excellency the governor, a short time previous to their liberation, visited them on the Good Hope estate, and informed them of the intended arrangements in their favour, and that they were to obey my orders. Under the mode of superintendence which you have adopted, in what respect do these people differ from free people in general? They are forbidden to leave the village for any purpose without a written permission.—Where was the necessity of this arrangement? Because they would not cultivate their provision grounds, and were idling their time over the quarter to the great injury of the neighbouring estates.—In what respect was their conduct injurious to their neigbbours? By their enticing other slaves to steal for them; I know this has happened frequently; and in two instances I detected individuals amongst them with sugar, molasses and syrop in their possession, which was proved to have been slolen.—How much land was given to each of these settlers? No particular quantity has been assigned to them; their front line was marked out, and they may cultivate as much in depth as they please.—Under what tenure do they hold these lands? I believe under the same tenure as other free settlers.—Then they cannot sell their land? No free settlers, I believe, have that power.—Are their lands fertile? Particularly so for provisions and coffee, and I think they would answer well also for cocoa.—Do they pay rent or taxes of any description whatsoever? None.—Do you think that with respect to their situation in life any thing more could have been done for their comfortable establishment than the measures adopted? I think none; they were fully fed whilst building their houses, received nails, iron pots for cooking, hoes, cutlasses and axes; their land had been previously cleared of timber, and their rations were continued until their own grounds fully supplied them.—Had the money which has been expended upon these people in their establishment been previously divided amongst them, and they had been left to their own self-government, would they have made a proper use of it? I think they would have squandered it away in rum, and have done no work at all.—On what grounds do you form this opinion? From the difficulty I had in making them work their grounds; I was obliged to go there three times a week and force them to work; I frequently found them lying a sleep, and was obliged to threaten them repeatedly; to punish two by inflicting twenty stripes, and to imprison several during the night, to compel them to work the grounds from whence they derived their subsistence.—These people having been now established under this discipline since the year 1820, do you consider them at present fit to be left to their own self-government, subject only to the control of the general laws? Certainly not; they are much given to drinking, and if not controlled, many would fall victims to that vice; their broils would probably lead to fatal results; as it is, many cases of great violence have occurred, two or three of them of an atrocious nature; I am obliged to appoint one of the best amongst them to overlook the rest, and without his control I think they would murder each other.

Tuesday, 28th December 1824.

The HONBLE WM BURNLEY IN THE CHAIR.

Doctor *Alexander Williams* sworn, and Examined.

Council of Trinidad, on the Negro Character.

OF what profession are you? The medical profession.—How many years have you practised in this colony? Thirty odd years.—In what particular line? As a practitioner of medicine and surgery, attending upon families and slaves in town and country: but twelve or fifteen years have elapsed since I gave up the latter practice, with the exception of the estates of a few friends in the vicinity of Port of Spain.—From your long practice can you state whether many cargoes of African slaves were sold in this colony before it surrendered to the British forces? I recollect only one sloop or schooner which brought between twenty or thirty slaves from one of the other colonies, but I do not recollect a single vessel direct from the coast of Africa; it is possible that the house of Barry and Black may have introduced slaves by some indirect mode.—To what do you attribute this circumstance? It may have arisen from the cultivation of the island being then limited, chiefly confined to cotton, with a little coffee and cocoa; I do not recollect more than one sugar estate at the period of my arrival; the sugar chiefly consumed in the colony was at that time brought from the Spanish Main.—Then the great influx of African slaves took place after the capture of the island by the British? Yes.—Had you any opportunity of observing the slaves so imported? Yes; I was appointed inspecting officer by General Picton, and it was my duty to visit every slave ship immediately on her arrival.—In what state as to health and appearance were these slaves generally on arrival? Generally in a healthy condition, as their importation took place subsequent to the Acts of Parliament, which regulated their treatment in the middle passage.—In the course of your duty as inspecting officer had you no occasion to place any of these African vessels under quarantine? I recollect only one instance, in the case of a vessel infected with the small pox.—How long did you fill the office of inspector? Until the abolition of the trade.—Were these imported negroes subject to any particular disorders to which Creoles are not subject? None in particular; they were generally healthy people.—To what then do you attribute the mortality which the Committee have been given to understand occurred annually amongst these imported African? I ascribe it principally to the disease commonly called mal d'estomac and to dysentery.—To what cause do you ascribe the more general prevalence of these diseases amongst the imported Africans than amongst Creoles? Principally from chagrin, added to change of diet and a new course of habits.—Did you observe in the course of your practice that any particular planters were more successful than others in preserving the health of these Africans? Yes; I think that in general the French and Spanish planters were more successful in preserving them.—In what respect did their treatment of their Africans differ from the English mode? Generally speaking they did not purchase so many at a time, by which they were more easily provided for; they paid personally more attention to them, and were always careful to have a sufficiency of the country provisions growing; whilst the English relied upon the purchase of the American provisions.—Are you then of opinion that the ground provisions of the country were better adapted to the African constitution than the rice, corn and flour brought from America? I am clearly of that opinion with respect to Africans.—Are you certain that it may not have arisen from the supply of purchased provisions being frequently more limited than when the supplies were growing upon the estate? I do not think they were ever stinted in provisions, they had always a sufficiency to eat, but they had no surplus to give away to their favourites, or to purchase luxuries, as in the case of the slaves belonging to the generality of French planters, who had a garden of their own in bearing in twelve months after their arrival on the estate; the want of this increased that chagrin which was generally most fatal to new negroes.—How came the English planters not immediately to adopt a system which was obviously so successful with the French? In general the French resided upon their own estates, whilst the English properties were more frequently conducted by managers.—Do you then attribute the mortality which occurred amongst imported Africans principally to mismanage-

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ment, and in no degree to cruel treatment or to overwork? I do not believe they were ever cruelly treated or overworked; under the best management the mortality was infinitely greater than amongst seasoned negroes, but less amongst the foreigners than the English, for the reasons I have before stated.—Was there much severity in the general system of discipline by which slaves were governed during the continuance of slave trade? I do not think that punishments were unduly severe; they were more frequent in consequence of the frequency of runaways and general disorderly conduct amongst the slaves; the system was greatly improved by the regulations of General Picton, which placed the slaves under greater control, prevented night assemblages beyond a certain hour, by which quarrels were less frequent, and regulated the number and extent of their provision grounds, which gave less temptation to theft.—During your practice and general acquaintance in this colony, did no case of barbarous or unjustifiable treatment of slaves by their masters ever come to your knowledge? Not one within my own particular observation; I have heard of two or three only; one was the case of Le Bis, which became the subject of a criminal prosecution; I cannot recollect the names of the other parties; I believe they occurred at Naparima; I heard of them only by report.—What was the general feeling in the public mind when those cases occurred? Very indignant; in the case of Le Bis, in particular, every individual expressed his abhorrence and regret that he did not meet with the punishment he deserved.—By what means did he escape punishment? I cannot say exactly; I believe on some point of Spanish law; but the proceedings, I suppose, are on record.—Do you think that if any other cases of cruelty had occurred, you could have avoided hearing of them? I think, from my general acquaintance and practice in the colony, I should have heard of them.—Have any of the cases you have alluded to occurred within the last ten years? None; the last, which was that of Le Bis, occurred, I think, in 1810.—Have you ever had an opportunity of witnessing corporal punishments in the army? Never.—Have you ever been called in to attend upon a slave, in consequence of severity of punishment?—I never have, to the best of my recollection.—Do you think, that in the usual mode in which punishments by the whip have been inflicted in this colony, a slave is thereby incapacitated from attending immediately afterwards to his usual work? I do not think he is; in all cases within my observation they turn out immediately afterwards.—To what cause do you ascribe the great decrease annually in our slave population? I cannot satisfactorily account for it; I can attribute it only to the disproportion between the sexes.—From the general treatment of pregnant women upon estates in this colony, do you think that it may not arise from over work at improper periods? Certainly I do not.—How then can you account for the natural increase amongst the American refugees, where a great inequality of sexes also exists? I really cannot say; I am unacquainted with the American refugees; I can only say that the system adopted upon estates with respect to pregnant women generally, cannot, in my opinion, have contributed to the decrease in the slave population.—Are the principal number of cases which occur in the hospitals upon estates to be ascribed to the nature or quantity of work performed by the slaves? I have no reason to think that the quantity of work they perform can injure their health; they more frequently arise from intemperance and imprudent conduct; from exposure to night air, and over exertion in dancing; of which there cannot be a more convincing proof than that the number of the cases in the hospitals are invariably greater on the Monday than on any other day; a fact which must have fallen under the observation of every medical man accustomed to attend upon estates.—Do you then generally find the slaves thoughtless and careless of their health? Generally so; they are careless of the distance they go at night to attend a dance, or to what exposure they may subject themselves afterwards; and it is always found necessary, in administering particular medicines, to confine the patient in the hospital.—Are you then of opinion, that if a slave were informed that exposure to the air would be fatal under the operation of particular medicine, that it would not deter him from going out? Generally, I think it would be imprudent to trust them.—Are slaves generally to be depended upon in taking care of each other during sickness? Generally speaking, they are not; some of the regular nurses at the hospitals are attentive.—Could you entrust a sick child to any better or more careful attendant than its mother?—Yes; often I would rather trust to the nurse; I do not think the mother to be depended upon, particularly if she be young.—Can you trust to a slave's own description of his case, when he comes into the hospital? Not easily; I am obliged to get at the truth circuitously;

ously; and in all cases in which they receive personal injury from disputes amongst themselves they tenaciously conceal the truth.—In the opinions you have expressed as to the dissipated habits, thoughtless character, and the little confidence which can be placed in slaves, do you make any distinction in favour of the female sex? With the exception of integrity, I consider the women to be worse than the men.—Are cases of *coup de soleil* frequent amongst labouring slaves in this colony. No, I think them very rare.

Council of Trinidad, on the Negro Character.

Joseph Peschier, Esq. again called in, sworn, and further Examined.

FOR what term of years were the liberated negroes you superintend apprenticed to Sir Alexander Cochrane's estate? I understand for fourteen years.—From the unfavourable report you give of these people, do you not consider them to be worse than gangs in general? I consider them to be amongst the worst, but there are many as bad.—Are you not administrator and manager of the sequestered estate called Carapichina Hall? Yes, I am administrator of all the sequestered estates; but I am manager of Carapichina Hall in consequence of the particular request of the late Mr. Langton, proprietor of one half of the estate, the other half only being sequestered.—How long have you managed this estate? Since 1815.—Do you reside upon it? Yes, continually. From your knowledge of the character and disposition of this gang, do you think that if manumitted their conduct would be no better than that of Sir Alexander Cochrane's apprenticed negroes? With the exception of four or five individuals in the gang, which consists of one hundred and forty-nine, I think they would be worse: about two years ago they took it into their heads that they were to be manumitted, when they entirely abandoned their grounds, and I was obliged to bring three of the most intelligent of them up to Port of Spain before the governor, before they could be persuaded to the contrary.—How came they to take up this idea? I cannot say exactly; I heard that they considered themselves to be King's negroes, and expected to be liberated as well as Sir Alexander Cochrane's.—After the opinions you have expressed, how do you account for the generally favourable report made of the manumitted slaves in each quarter by the commandants? I beg to refer the Committee to my own return as commandant of Couva; and the number of manumitted slaves resident in that district amounts to thirty-six, the whole of which had their freedom given to them for their good qualities, with the exception of three or four who earned it by their industry.—The Committee have now before them a report made by you to his Excellency the governor in June 1823, relative to the conduct and condition of the apprenticed negroes, in which they find stated that out of the total number of twenty-four men in the village, nine are described as "hard drinkers, and very fond of rum;" seven as drinking, and fond of rum;" are the Committee to understand that you consider only eight of them to be sober? At that time the return was correct, but out of the eight then enumerated, three have since taken to drinking, and Joseph is dead; so that I now consider four only not to be drunkards.—Have you no means of repressing this vice? I used formerly to confine them in the stocks for drunken squabbles, but finding that it had little effect, and becoming doubtful lately of my authority so to do, I have given it up.—The Committee do not understand that part of your report to his Excellency the governor, which relates to the earnings and expenditure of these apprentices; the former during a term of eighteen months are reported to be five hundred and eighty-five dollars, and their expenditure during the same period to five hundred and ninety-three; do you consider them to have been in debt for the difference? No, I consider the account to be incorrect; I could not procure any better account from them.—What is the general appearance of their establishment; is it better or worse than negro villages in general? The general appearance of the houses I think better, as I superintended their construction, and they wanted neither time nor materials.—Does the interior of their dwellings exhibit more of comfort and propriety than negro houses in general? About the same appearance.—Do they live as to food better than slaves in general? Not in the least.—Do they dress any better than slaves in general? Not better than the commonest slaves; and in no respect equal to our best negroes.—Are these people in the habit of working out on hire for the neighbouring planters? Occasionally, but less frequently so now than formerly.—What medical attendance do they receive? In serious cases I send for Dr. Armour.—By whom is he paid in these cases? Out of the fund supplied by government.—In the event of drunkenness and insubordination, would it not be advisable to punish them by the infliction

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infliction of fines? If it were possible to exact the fines, I think it might have some good effect.—Where would be the difficulty in exacting the fines? I could find no property to levy upon but the provisions in their grouuds, which would immediately discourage their cultivation.—Have they no pigs or poultry? Yes, in about the same quantity as slaves; but I had so much difficulty at first in persuading them to raise these, that I should be afraid of seizing upon them.—What wages do they earn per day when they work out for the neighbouring estates? I believe the usual hire is 4 *s.* per day, and they find themselves.—Do they give general satisfaction to their employers?—I believe not; I heard most people complain so much of them, that although I had determined, as their superintendent, never to employ them, I thought it necessary to try them, and hired them for four days; when finding them doing less and less every day, I dismissed them.—Amongst the women who have children, do they appear to be kind and careful of them? They appear to be so, but set them so bad an example that I think they would be better removed from them.—Have you ever heard any complaints of their harbouring runaway slaves? Never; I have threatened them severely should they be guilty of it.—Have you had any acquaintance with the class of people they call peons in this colony? I have occasionally employed them.—What are these people, and whence do they come? The real meaning of the word peon is, a man who is hired to labour by the day; but in this colony it is generally applied to a mixed coloured race who migrate from the Spanish Main; some few are natives of the colony.—Are these people found generally useful to the planters? Yes, in felling woods.—Do they perform that work better than slaves?—They do, from their continued practice, as we avoid as much as possible risking our slaves in that work.—Are they never hired for any other employment?—They are hired to cut down brushwood occasionally, by contract. I have tried them at cutting canes, but did not find them answer; indeed I am of opinion that they will answer for no work but contract work, for you can place no dependence upon them as to time, as they will only work in fine weather.—At their usual rate of wages, if a peon worked fairly and steadily, how much could he earn per day? He could earn 9 *s.* currency per day.—Upon what description of food do they generally live? They prefer salt fish, with plantain and cassada.—How much would this diet cost per week? About 9 *s.* currency per week.—Do they seem possessed of much property? None.—Is it not possible that they may have property lodged elsewhere, although they wander about for employment? I think not, for those who reside in the quarter are equally poor. I have been applied to frequently by them to excuse their attendance at parade for want of shoes and white pantaloons.—When performing work by contract, are they able to subsist themselves until it is completed? Never.—Do they furnish their own tools? Never; their whole equipment consists of the clothes they have on, a blanket and a stick, and possibly, in addition, a hammock made from the bark of a tree; and they cannot begin to work unless furnished with tools and provisions.—Is there ever any want of employment for them in the colony? I think they have generally full employment.—What then can be the cause of their being so destitute, when they can so easily earn a competency? From their idle lazy habits; they drink very hard, and never think of looking for employment until they have spent their whole earnings.

Tuesday, 11*th January* 1825.

THE HON^{BLE} W^{M} H. BURNLEY IN THE CHAIR.

Antoine Victoire St. Bresson, Esq. sworn, and Examined.

HOW long have you resided in this colony? Since July 1797.—What profession or calling have you followed during that period? I came here as an officer in the Royal Foreign Artillery, in which corps I remained until 1802, being then a captain; I then became a sugar planter, which business I have followed ever since.—Do you manage your own estate, and continually reside upon it? Yes.—Have you been in the habit of hiring peons and free labourers? At the commencement, when I had free negroes, but not lately.—Why have you given up that practice lately? Because they are not to be depended upon; they only work as they please, and in consequence I was often deceived in my calculations.—How many

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many slaves did you own when you were in the habit of hiring peons? From twenty-five to thirty.—How many have you now? Fifty-one.—You did not then find that your estate could be as profitably conducted by free labour as by purchasing additional negroes? I do not think that an estate can be conducted at all by free labour, which I assert from my practical knowledge, as I never would have purchased additional negroes could I have managed without them.—Were you not for some time commandant of the quarter in which you reside? Yes, for fourteen years.—Can a peon work in a quarter without permission from the commandant? He is obliged to report himself immediately on arrival, and show his permission of residence.—You then knew every peon who came into the quarter, and had as good an opportunity of hiring him as any other individual? I had.—As you have invariably managed your estate yourself, do you consider yourself well acquainted with the habits and dispositions of slaves? I do.—Do you consider honesty to be a common virtue amongst slaves?—Some are honest, but in general they are the reverse.—When you say "honest," do you mean strictly honest, as the term is understood in England? Not exactly; there are some temptations which none of them can resist.—Is a thief considered a very discreditable character amongst them? If he steals from his fellow slaves they dislike him; but I never found that their characters seemed to suffer in each other's estimation for stealing from their masters.—May not this arise from the management of the masters themselves in some cases? I am not aware of this being caused in any respect by the master. —If you had a driver on your estate, a clever active man, better fitted for that office than any other slave in your possession, would you break him for committing a theft? Yes, I broke a driver for that very crime; but after trying several other slaves, I was obliged to replace him again.—Then you admit that in some instances the master's interest induces him to prefer a clever to a moral slave? Certainly. And do you not think that these examples must affect the moral feelings of slaves? They must; but the master cannot help himself.—Do you consider chastity to be an ordinary virtue among female slaves? Not in the least.—Have you any female slave upon your estate who has confined herself invariably to one husband? I have some who have lived regularly with the same man, but who have certainly not been faithful to him during that period.—Do you not consider it to be the interest of the master that slaves should be married together, and remain faithful to each other? Certainly; I have done all in my power to promote it, but they have invariably objected, and claim the right of consulting their own inclinations.—Did you ever punish them for changing their wives or husbands? I have occasionally punished some of the younger ones, but it had very little effect; and the elder generally allege such plausible reasons for a change, that I have considered that I should render them miserable by obliging them to remain together. Whenever I find a man with two wives, I endeavour to persuade him to give up one; but their general customs admit it; the women themselves do not object to it; and it is so well understood, that they have a particular appellation for two women living with the same man; they call each other "combosse."—Do you then think it is impracticable to cure their ordinary habits of licentiousness? I think it impossible to do it for some generations.—Are slaves generally sober? Some are, the women much more than the men; but it is necessary to restrict them as much as possible from liquors, to prevent their making an improper use of it.—In what way do you feed your slaves? The gang in general are treated according to the existing regulations; the whole, little and big, receive three pounds and a half of salt fish in the week, and have as much land as they choose to cultivate; with the Sundays, holidays and half days, in the week out of crop, as prescribed by General Picton's regulations.—Do they not invariably receive the whole profits arising from their labour in their own grounds? Invariably.—Will not a sense of their own interest induce them to work without compulsion? I am sure it will not; their indolence is in general so great, that they must be compelled to work on the extra days which I give them to work in their own grounds. I find it necessary to turn them all out in the morning, as if they were to work for me, and then march them into their own grounds; otherwise under one pretence or other they would hold back and loiter away the day.—How are your canes brought from the field to the mill? On the backs of mules principally; I am now about to use carts, having made the road practicable.—Did you ever bring them upon the heads of negroes? Never.—Do you think that it is practised upon any estate in the colony? I have never heard of it; in fact, it would be impossible, from the smallness of our gangs.—Did you acquire your gang of slaves by purchase?—The principal part of them; some by inheritance.—In

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either case were families divided? In no case were children under sixteen divided from their mothers; and in no case would a proprietor ever purchase a woman without her children, or children without their mother; their own interest would prevent their doing it; in fact, it is an invariable custom for a planter to ask a slave, before he purchases him, whether he likes to serve him, and if he makes any objection, he knows that he would be of more trouble than profit to him.—Are husbands and wives ever divided for sale? Never, where the parties express a wish to live together; but as they have frequently more than one husband or wife, they are not very tenacious themselves on this point.—Do you consider night-work to be common upon sugar estates in this colony during crop? I do not think it can be common. Few estates in the colony make more than nine hogsheads of thirty-six inch truss per week, which will require only six to seven coppers of three hundred and fifty gallons of cane-juice each per day, which can easily be done, if the slave work moderately well from four in the morning until eight at night.—In such case, does the whole gang work during crop from four in the morning until eight at night? No; the mill gang, consisting of seven, turn out at four A. M. and turn in at six in the evening; the boilermen and firemen turn out at six A. M. and turn in at eight to nine at night; and the main body of the gang never work but in day-light, and have the same hours in and out of crop for their meals; this was the rate of work upon my estate formerly, and I have every reason to believe it to have been the same upon every estate in the colony of the same size.—Did you ever hear of a gang been obliged to work on the Sunday for the benefit of the master? I never heard of an instance of the general work of an estate being carried on, unless in the case of a fire amongst the canes, which rendered it necessary to grind and manufacture them immediately, in which case the slaves were always remunerated to their satisfaction; no other work was done but what necessity absolutely required, such as potting sugar, taking care of cattle, stock, &c. and the necessary watchmen; in other cases, such as carting sugar on Sunday, where a vessel required dispatch, the persons employed were volunteers, and were always remunerated, either by money or an equivalent in time during the week, as they might prefer.—What clothing do you give your negroes every year? A hat, a jacket of blue cloth, two pair of Osnaburgh trousers, two Osnaburgh shirts, and a blanket, every second or third year.—Do you find this sufficient for the purpose? Perfectly, when they are careful of them; but some of them sell them in spite of every precaution.—Do you ever punish them for selling their clothing? It would be useless to do it, they never will confess that they have sold it, and allege that it has been stolen.—Are not soldiers in the British army punished for selling or losing their clothes? Very severely.—What do you call very severe punishment? I mean from one to three hundred lashes, which I have known inflicted for such an offence. —Then do you generally consider punishments in the army to be more severe than those inflicted upon slaves? Beyond comparison, a great deal more in my time, since then I cannot speak from my own knowledge: I have known three thousand lashes sentenced to be inflicted upon a soldier for desertion when in garrison, of which he received as much at different times as the surgeon thought he could support; in some cases a part of the punishment was suspended and kept *in terrorem* over the head of an offender, which could be inflicted upon him at any future indefinite period without a court martial.—Were those who were punished prevented from doing duty immediately? They were regularly carried into the hospital, where some of them remained for three or four weeks before they could be turned out to their duty, or to receive the remaining lashes due to them, and this I have known repeated three times for the same sentence.—How long have you known a slave confined in hospital in consequence of a severe flogging? I have heard of one or two instances of slaves being confined three or four weeks, but to my own knowledge I never knew of a slave being confined more than three or four days; in general they turn out to work immediately.—How long is it since you knew of a slave being confined in the hospital from the effect of punishment? I think not within six or seven years past.—Do you consider punishments to be more or less severe now than formerly? Much less severe than formerly, when the number of new negroes required frequent punishments to keep them in order.—Do you think that a master, under the regulations which have existed in this colony for many years past, could commit an act of cruelty or unjustifiable severity with impunity? It is hardly possible, I think: to my own knowledge I know of none.—Could a master by any power he possesses prevent a slave from finding his way up to the syndic and guardian and making his complaint? He could not, sooner or later he would

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would find his way up.—Do you think that the slaves have been long perfectly acquainted with the existence of an officer in Port of Spain appointed to redress their complaints? They know it, and have long known it perfectly well.—Is Sunday generally a leisure day to a proprietor or manager of an estate? On the contrary, the planter has more to do and more anxiety on that day than on any other.—Whence does the necessity arise? It arises from the negroes having more liberty on that day, being more commonly drunk and riotous, requiring the watchful attention of the master to prevent fires and accidents, and it is considered indispensably necessary that a white man should always be upon the property on Sunday.—What language do the negroes generally speak in this colony? From the mixture of nations they generally speak a jargon of English, French and Spanish.—How long would it take an European to make himself intelligible as an overseer to the negroes? Three months at least, but sometimes much longer, according to the youth of the party.—Do you allude to the vocabulary necessary only for the usual work of the estate, or could he render himself intelligible on general subjects? I allude only to the work of the estate.—How long do you think it would take an individual so to master their language as to explain to their comprehension the ordinances of the Christian religion? I really cannot say, I think a very long time, for I have many negroes to whom I cannot teach the Lord's Prayer, although I have endeavoured to do so for these many years; they attend for that purpose every evening out of crop, and every Sunday morning in the year.—Of what faith are you? The Catholic.—Is the practice you have stated of collecting the negroes to prayers general amongst the Catholic proprietors? I believe it is.—Have you had an opportunity of seeing negro dances and entertainments in this colony? Yes, I have.—Under what regulations do these take place, and are they frequent? They take place only by permission of the master, and the driver or headsman attends to keep order.—How often do they occur on your estate? Once or twice a month, but when not on my estate, on that of one of my neighbours, so that every Saturday night there is a negro dance.—Are they not frequently too much fatigued from the labour of the week to be able to dance on Saturday night? Never; but I have frequently known them to be too much fatigued on Sunday morning to go into their grounds.—In what style are these entertainments generally given? In a general way they dress in their best clothes, dance both Creole and African dances, drink lemonade and rum and water; but on particular occasions they have subscription balls, or what they call bouquet balls, so named from the king and queen of the night wearing a nosegay, which they present, when leaving the table, to two others, who preside at the next entertainment in the same capacity: on which occasion every person pays on entering two or four bits each (10*d.* to 20*d.* sterling) for the general expenses. On these occasions they have roast pigs, roast fowls and capons, sometimes hams, a great variety of cakes and fruits, rum and claret, with coffee and chocolate, sugar and syrop, as much as they can eat and drink. These entertainments begin with a dinner, and last until day-break the next morning, being from twelve to eighteen hours, during which period some of the negresses will go to the expense of changing their dresses two or three times; they wear muslin gowns, India smonckers, Madras handkerchiefs, ear-rings and necklaces in profusion, and many dress in shoes and stockings.—Do not the regulations restrict dancing beyond nine o'clock at night? They do; but on common occasions you cannot restrict them to that hour unless you leave your bed yourself; and on the particular occasions I allude to, they would be so discontented if not permitted to follow their usual custom, that no master would venture to prevent it.—How often do these bouquet balls occur, and are they always in the same expensive style? About once in every two months in my quarter, with very little variation in the same style, and I believe they occur as frequently in every other part of the island.—In what manner is a negro's property distributed after his death? In general they state before their death how they wish it to be disposed of; should this not occur, it is distributed amongst the nearest relatives.—Should it occur that a slave dies immediately after the annual distribution of clothing, is he considered to have the power of bequeathing it as his own property? Always.—Did you ever hear of a master interfering with the property of his slave, or taking any portion of it? Never, under any circumstances.—Do disputes frequently occur amongst slaves themselves respecting property, or any other cause? Frequently; but oftener from jealousy of their wives or husbands than from any other source.—In such cases do they appeal to the master for redress? They do so in cases of theft or assaults,

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but endeavour to keep their jealousies amongst themselves.—Would it be possible for this description of police to be administered by any other person than the master?—It would not be possible; they occur so frequently, that were they to apply to any other authority the loss of time would be ruinous to the estate.

Tuesday, 18*th January* 1825.

THE HONBLE WM H. BURNLEY, IN THE CHAIR.

Doctor *Alexander Williams* again called in, sworn, and further Examined.

YOU stated at your last examination by the Committee, that one principal cause of the mortality amongst newly imported Africans was chagrin; are you of opinion that this chagrin arose from strong feelings of sensibility excited by separation from ties and connections, or from being compelled to daily labour here after leading a life of comparative idleness in Africa? I think from an inclination of both these causes?—Do you ever observe any particular difference of manner, denoting a previous difference in rank or condition amongst these imported Africans?—I could observe no external appearance in manner denoting a difference in their condition.—Upon what class, then, did the mortality principally fall, upon the elderly persons or the young; or did you observe that the finest and apparently the most intelligent amongst them were the earliest victims? The people brought to the country were, generally speaking, all young, well formed and healthy, and from my observations and practice I do not think that the most intelligent amongst them were more liable to mortality than the others; on the contrary the Eebos, who were generally considered the most intelligent and high spirited, were the best labourers, and the average mortality amongst them did not equal that amongst the other tribes from Africa; the same with the Coromantee slaves, but not to the same extent.—You have stated to the Committee that the imported African slaves were generally in a healthy condition; but were there not always, in every cargo, a proportion of what was then termed "refuse people"? Yes, there were generally some in every cargo, but not many.—Were not these imported slaves landed always previous to sale? Yes, always.—Did your inspection and duty cease immediately upon their being landed? I had nothing to do with them as inspecting officer after sending in my certificate as to their condition on arrival, unless it was necessary to put them under quarantine, when my duties continued until it was discharged, but this only occurred once.—You have stated to the Committee, that in your opinion the treatment of slave women upon estates is in no respect instrumental to the decrease which has been observed annually in the slave population; but are you not of opinion that there is an increase generally in the population of domestic slaves? I cannot answer as to the fact of their being generally an increase; I can only say that in my own family many years elapsed without any of the females having children, and within the last three years two of the same women have commenced breeding, and have had each of them twins at a birth.—What are the ages of these women? One of them I believe to be twenty-six, and the other thirty-two.—To what cause do you ascribe the circumstance of their becoming mothers so late? I can only ascribe it to their previous debauchery and promiscuous intercourse.—Do you conceive it to be within the power of the master or mistress to improve the morals of the female slaves? I think it almost impossible.—Do you think it not practicable to confine the young female domestics to their apartments at night, as is the custom in Europe? I do not, unless by chaining or otherwise imprisoning them; I speak generally, there may be some individual exceptions.—From your observations in the course of your medical practice upon estates, do you consider slaves generally to be more or less healthy during the period of crop? Generally speaking, more healthy during the sugar crop; I cannot speak of coffee or cocoa crops, not having attended estates where that produce was cultivated.—Are the slaves generally less healthy at the conclusion than at the beginning of the sugar crop? I have always found them equally healthy throughout the crop.—Have you been in the habit of attending the free black and coloured labouring classes? I have occasionally.—From your observation have you any reason to think that they are more healthy than slaves in general? I have not observed them to be more healthy; on the contrary, I think them more subject to disease from their greater excesses and their bad habits; I have

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I have known many slaves who continued healthy so long as they were in slavery and under control, who after they had obtained their freedom became sickly from their excesses.—Do you own an estate in this colony? None, and never had an inclination to own one.—From whence does your disinclination to own an estate arise? From my aversion to the management and discipline necessary to govern a large body of negroes.—Are the domestics which you have about your establishment all slaves? All of them.—With the feelings you have expressed, why did you not prefer employing free persons? Because, in the first place, they are not to be procured but at a great expense; and in the next, on account of their general habits and characters, from which I should have apprehended as much or more trouble than I experienced from my slaves.

Burton Williams, Esquire, sworn, and Examined.

HOW long have you resided in the colony? About three years and a half.—Whence did you come? From the Bahama Islands.—Did you bring many negro slaves with you? I brought altogether three hundred and thirty-one.—Did you reside many years in the Bahamas? Thirty odd years.—Did you acquire your property in slaves by purchase or inheritance? I inherited only seven, of which six are now living; and I purchased about one hundred, all the rest I raised.—What was the article cultivated upon your estate in the Bahamas? Cotton entirely.—How were your negroes fed, and what was the regulated allowance given to them? They were fed altogether upon corn, and the regulated allowance was eight quarts per week for the field hands, and half allowance for those under twelve years of age.—Did they receive no allowance of salt fish or herrings? They received nothing beyond their corn, except at Christmas, when it was the custom to give them about three or four pounds of either fresh or salt meat.—Do you consider eight quarts of corn to be sufficient for the subsistence of a working negro in the Bahamas for a week, exclusive of the provision he may raise in his own grounds? I know it is perfectly sufficient, having been engaged there in settling new estates, when the slaves had no resource of their own.—Had they generally any ground allowed to them to cultivate for their own emolument? Generally they cultivated a small garden, but had as much land as they pleased.—Had they any particular time given to them to cultivate this land? None, by law; generally speaking, they had nothing but their Sundays; I gave mine one day in each month, to encourage them.—Was the management of your slaves in the Bahamas subjected to legal regulations? The allowance of corn was fixed by law, as well as the limitation of punishments, which could not exceed thirty-nine lashes in one day.—In what manner was this punishment inflicted upon estates? Generally by switches cut out of the woods; some used cats, and some cow-skins.—Did you make any distinction between males and females? None.—Had you any military establishment in the Bahama Islands? Yes; in Nassau and New Providence.—In which of the islands did you reside? I had estates in three; in Elethura, St. Salvador and Wathing's Island, but mostly resided in the latter.—Had you any military post established on this island? None.—Did you never feel apprehensive of insurrection amongst your slaves from the want of this military protection? Not in the slightest degree; I had no fear of my negroes, and in time of war they were regularly armed with muskets issued by government, and served under their masters for the protection of the island against the enemy.—What induced you to quit the Bahamas to settle in this colony? From the poverty of the soil and general prevalence of hurricanes, in consequence of which for the last six or seven years the inhabitants generally had little or no revenue; hearing of the fertility of this island, and the inducements held out to settlers, I came here in the hopes of improving my property and circumstances.—Have your expectations in the respect to the fertility of the soil been realized? Perfectly; I have never seen better any where. I have been in most of the English islands, and am well acquainted with the best soils in the southern states of America, and consider the land of the quarter in which I reside to be equal to any I have ever seen.—Do you consider your slaves, generally speaking, to be benefited by their change of residence? In some respects I think they are, as they have a better opportunity of disposing of their surplus produce, and making money, than in the Bahama islands.—Do you consider them to be as well fed here as in the Bahama islands? With respect to quantity I think they are; but I consider corn to be a better food than plantains, or other island provisions.—Do you consider it to be more difficult

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to raise corn here than in the Bahamas? The Indian corn can be raised in greater abundance; but from its being so subject to the weavel, it cannot be depended upon as food for the whole year; and the Guinea corn, which we kept in reserve in the Bahamas, is not, from my observation, productive in this colony; every other description of ground provisions are fourfold more productive than in the Bahamas. With respect, however, to the feeding of negroes, I am firmly of opinion that the allowance of fish given here is too great, to which cause I principally attribute the prevalence of sores amongst my people soon after their arrival here.—Do you consider your slaves to be benefited by their change of residence in any other respects than those you have mentioned? Not for the moment; but I am of opinion, from the exhausted state of the land in the Bahamas, that in a few years I could not have made a revenue sufficient to clothe and maintain them, although I possessed one thousand three hundred acres.—But if your slaves had been left to take care of themselves, do you not think they would have found the means of clothing and maintaining themselves? I am convinced not; I know a case directly in point. Mr. Maly, a gentleman with whom I was acquainted, made his slaves free, in number from fifteen to twenty. About sixteen years ago they had as much land as they chose to cultivate; but they abandoned their cultivation and houses, and went into the town, and I believe there are only four or five of them now alive.—Have your slaves suffered in any respect since their arrival here? Some little in the seasoning, as I arrived here at the commencement of the wet season, and settled in the woods.—In what respects did they suffer; did you lose many of them? Many had fevers, and agues, and bowel complaints; but I lost only seven in the first two years.—You stated that they complained of sores soon after their arrival; do they continue to be troubled with them? They are now getting clear of them, having only two with sores, and those almost well.—From your experience since you have been in this colony, do you think that your gang will continue to increase in the same proportion as in the Bahamas? I have no reason to doubt it, from the increase had already; thirty-four children have been born since my arrival, of which thirty are now living; and in the Bahamas the usual loss from locked jaw within the first nine days was one third.—To what cause do you attribute the more frequent occurrence of locked jaw in the Bahamas than in this colony? I cannot account for it; I only know the fact.—Are you not aware that the slave population in this colony has been annually decreasing; and to what do you attribute this circumstance? I have been told so; and I think, from the observations I have made, that it may arise from the disparity in the sexes; and in the next place, I do not think sufficient care is given to their living together as man and wife, by giving a feast to the gang when they come together, and a sharp punishment when they part.—Are the sexes in your gang nearly equal? I think the females exceed the males by fifteen.—Is the nature of the labour performed here generally harder than the slave labour of the Bahamas? I think not; and my slaves have given me the same opinion.

Wednesday, 19*th January* 1825.

THE HONBLE WM H. BURNLEY, IN THE CHAIR.

Doctor *James Lynch O'Connor*, sworn, and Examined.

OF what profession are you? The medical and surgical profession.—How long have you practised in the colony? I have been a licensed practitioner since 1817. For the two first years I was performing my duty as an assistant surgeon in the Royal Artillery; I then retired on half pay, and have since attended in my medical capacity upon families in Port of Spain and its vicinity, and upon slaves on estates in the country.—Do you own any estate in the colony? I own no estate, and have no interest in any.—What are the principal diseases to which slaves are subject in the colony? Inflammatory diseases, fevers, dysentery, mal d'estomac, dropsy and rheumatism.—Are they generally more subject to disease than you would expect to find in an equal number of Europeans in their own climate? I think they are more liable to disease than the labouring classes in the county of Mayo and Sligo, in which I principally resided during the early part of my life.—Do you then consider this climate to be less favourable to its natives than that of the north of Ireland? I consider

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I consider the climate equally favourable, but attribute the greater prevalence of disease to their general habits of dissipation, and their great thoughtlessness; they take no care of themselves, but yield to the impulse of the moment, and never look to consequences; they require to be looked after in every stage like children; and if you wish to keep them in health they must be kept under control.—Do you consider the quantity of labour performed upon estates here by slaves to be injurious to their health? Not generally, but in some particular cases, such as a negro with a feeble constitution, and an external appearance of health; in these cases he may have too severe a task imposed upon him, without the master being conscious of it. —Do you think, generally speaking, that the quantum of labour expected from the slaves is more than they are capable of performing? Generally speaking, I do not; but I have sometimes suspected that a sufficient portion of time is not allowed to them for resting during crop.—Within your knowledge, what is the greatest number of hours which a slave has been obliged to work during the day, and which caused those suspicions? I cannot answer as to the number of hours; my suspicions arose from seeing the works about, and fire in the boiling-house, between nine and ten o'clock at night.—In those cases were you aware whether the people working at that late hour had been spelled or not? I cannot say, not being acquainted with the detail of the work of the estate.—Do you find the slaves generally less healthy in than out of crop? Always more healthy during crop.—Are you then generally of opinion that the diseases of slaves arise, in any degree, from their being overworked? I do not, except in the case I before alluded to, in which a man's physical strength may not be equal to his external appearance, which occurs now and then. —In such cases how is the master to act; from your knowledge of the slave character, do you think he could rely upon a slave's account of his own powers and capacity? Generally speaking, no reliance is to be placed upon their own account of themselves. I mention this circumstance as an evil inherent in compulsory services, many cases of which I have met with in the army, and for which there is no remedy.—Are you aware that in this colony the slave population has been regularly decreasing for some years? I am.—Can you attribute this to any partilar cause? I can, to many causes, and, in my opinion, substantial ones. First, a large proportion of the negroes of this colony are Africans, amongst which there is a great inequality of the sexes; second, the prevalence amongst them of promiscuous intercourse, dissipation and drunkenness; third, the neglect and want of attention generally from the mothers to their offspring; and fourth, the extraordinary habit which prevails amongst them of young men cohabiting with old women. These causes affect the sources of population; independent of which, I am of opinion that great mortality occurs amongst a certain portion of slaves, who are left to provide for themselves in the same way as the best class, but who, from their perfect apathy and idleness, are totally incapable of taking care of themselves, and ought to have their food cooked and distributed to them daily, as is practised in many instances with respect to children on estates.—What proportion do you think these helpless slaves bear to the general numbers of the slave population? I cannot say exactly, it differs much upon different estates; but I do not think I am beyond bounds when I say that two-thirds of the slaves generally in the colony require to be fed like children. Do you think that the treatment of pregnant women in this colony can be improved by any further indulgences? I think it impossible; generally they have at present too much license and indulgence; it would be better to keep them employed in light work constantly, than allow them time to themselves, which is frequently passed in dissipation.—Are miscarriages frequent amongst the negro women?—I think women of all classes are more subject to miscarriage in a tropical than in a northern climate; they frequently occur amongst negresses, which I attribute in a great degree to their own imprudence, and I have strong suspicion that a practice (which they admit to exist amongst them) of procuring abortions is frequently the cause of them.—What is your opinion as to the general care and treatment of slaves in hospitals on estates? I think the owners are actuated by the best motives, but proceed upon erroneous principles in all cases where a medical attendant is not regularly attached to an estate.—Do you think that any material improvement could be made in the general treatment of sick slaves in hospital on those estates which you attend regularly in your medical capacity? I think that the men and women ought to be kept separate, and that stretchers (or a folding bed, with canvas bottom) should be furnished for each patient, and that they should be employed in light work as soon as they can perform it, whilst it is too commonly the case to allow them to remain perfectly idle until they join the effective gang.—In any case

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have you observed that there has been a deficiency in the necessary medicines, or in nourishing diet for the invalids? I have in no case found the proprietors backward in furnishing every requisite necessary, even at a considerable expense.—What is your opinion as to the advantages enjoyed by the slave population of this colony with respect to medical attendance, compared with the labouring population in Ireland? It will admit of no comparison; whole districts in parts of Ireland remote from cities have no opportunity of procuring medical assistance and nourishment at the same time, except from the county hospital, which is in no degree adequate to the wants of the lower classes, from which cause I am assured that numbers of them perish for want of proper assistance.—Are you of opinion that slaves in the colonies suffer more from the heat of the climate than the labouring classes of Britain from the severity of the cold in winter? The slave here suffers in no proportion from the heat of the sun compared to the oppression under which an European labours from the same cause in the harvest months, without adverting to the misery endured by the latter from the severity of the winter.—Is it common for slaves to be laid up by a *coup de soleil*, or from the effects of working in the sun? I have never known a case to arise from that cause alone.—You stated in answer to a former question, that you believed the diseases of slaves to arise principally from their own dissipation; to what species of dissipation do you principally allude? To their indiscriminate amours and excesses, which lead them to expose themselves in their visits to each other at all hours of the night; and as estates are widely detached from each other in this colony, they travel great distances and cross rivers, exposing themselves to the night air: any person in the habit of travelling at night, which medical men are obliged to do, meets them abroad at all hours; the men are, besides, much addicted to drinking ardent spirits, which is the source of many of their disorders.—Are the women as much given to these visits as the men? I believe them to be equally libertine, but the general custom is for the men to visit the women at night; when dances and entertainments take place the women are as much abroad as the men.—Do you think it possible for the master to keep his slaves, either male or female, at home during the night? I consider it to be impossible; even the soldiers in the black regiments cannot be kept in the barracks at night, although they are subject to three hundred lashes when they are detected.—Are the slaves to be found wandering about as frequently on the Saturday as on the other nights in the week? More frequently on that night and the Sunday night than the whole of the rest of the week put together; most of the mischiefs and accidents arising from riotous conduct occur on those nights, and I generally expect to find the consequences in the hospital on the beginning of the week.—Can you trust to their remaining in their beds at night when really sick and under the effects of medicine? There may be some exceptions, but in general no confidence can be placed in them, and the only prudent way is to lock them up during their sickness.—In general do you find them attentive to each other when sick? From the observations I have made during the whole of my practice I believe them to be perfectly indifferent to the sufferings of each other in general: a case occurred recently in which an incurable cripple on Mr. Black's estate could hardly meet with necessary attendance in consequence of his suffering under a loathsome disease; only one negro could be induced to go into his house even to give him food, notwithstanding every threat and persuasion on the part of their master.—Have you found slave mothers in general kind and attentive to their children? I knew a solitary instance of strong attachment on the part of a slave mother to her infant; she was ordered not to give it the breast in consequence of great debility succeeding a violent attack of disease, and a proper wet-nurse was provided for it; but notwithstanding every solicitation, and being warned of the fatal consequences which would result, she took forcible possession of the infant, persisted in suckling it, and died shortly afterwards from debility: with the exception of this case I believe them to be very careless about their offspring.—Have you ever been called in to attend upon a slave in consequence of the effects of corporal punishment? I only recollect one case, when I was called upon by the late protector of slaves to visit a slave who was suffering from the effects of a flogging: on examination I found that he had run away from the estate immediately after his punishment, and in consequence of neglect considerable ulceration had taken place.—In cases of punishments upon estates which may have fallen under your observation, is the culprit prevented from proceeding immediately to his usual labour? I recollect some few cases at the commencement of my practice where the slave was laid up four or five days in consequence of the effects of a flogging; latterly no such cases have

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come under my observation, and the common practice is for a slave to go to work immediately after he is punished.—Do you then consider the punishment usually inflicted by the whip on slaves to be severe, or the contrary? They are in general so trivial that I am never called in.—But may it not possibly occur that the severity of the punishment may be the reason why it should be concealed from you? I believe it to be impossible for an owner of a slave in any part of the colony with which I am acquainted to conceal any act of cruelty to a slave, from the facilities afforded to them to make their complaints.—Have you ever known a slave in this colony to be branded by his owner? I have never known it, and have never met with a slave branded or marked in any other way than with his country marks.—Is it still the practice in the British army to brand deserters? It was at the period when I quitted the service, and I believe still continues.—From your recollection are the army punishments by flogging more severe than those inflicted upon slaves in this colony for similar offences? It is impossible to compare them together: for repeated desertion and mutiny, or striking a superior, they suffer death; for drunkenness, leaving the barracks without leave, the most trivial theft, selling their necessaries, or an insolent word or gesture, they receive from one to three hundred lashes, as sure as the act is detected; and it is invariably necessary to take them from the triangle to the hospital to be placed under the care of the surgeon, the marks of which punishment they generally carry about them as long as they live.—Are you aware of any reason why a strict discipline should not be equally required for the government of a body of slaves as for a regiment of soldiers? I know of none; I believe the consequence of relaxation of discipline may be as fatal in the one case as in the other.—Have you been in the habit of attending the free labouring classes in your medical capacity? Yes, I am in the habit of attending many, and particularly the black soldiers disbanded in 1818.—In their habits, manners, and apparent condition, are the free labouring classes much superior to slaves? I think the slaves generally better fed and better clothed; those of the free labouring classes who have families suffer from want of food, and their children are very badly taken care of; their moral habits and characters are in no respect superior to slaves, on the contrary I think they are more depraved, being subject to no control: among many instances, I have heard of a negro man belonging to Mr. Roberts, who purchased his freedom two or three years ago for five hundred dollars, he never worked afterwards, and died in about six weeks, in want and misery, greatly owing, I believe, to his intemperance: the disbanded soldiers, although receiving an allowance from government, are, I believe, amongst the most miserable in the community, and are invariably given to hard drinking; none of these people are ever able to pay one farthing for medical attendance, I am occasionally obliged to feed those I attend, and in most instances I have met with the grossest ingratitude in return.—You are then of opinion that the condition of the free labouring classes in the colony is inferior to that of the slaves? My observations are limited to Port of Spain and three leagues round, and in that space I am decidedly of opinion that their condition is not equal to that of a slave; in health and strength a single free man appears to be in prosperity, but when he gets encumbered with a family, or deprived of his health from accident or disease, having previously made no provision, he and his family suffer the most abject misery; and I know many free labourers who cohabit with slave negresses from no better motive that I can discover but to insure themselves a subsistence.—When you first commenced attending upon estates, what time did it require to enable you to understand the language of the negroes? I have a great facility in acquiring languages, and having previously been in the habit of attending negro soldiers, I had no difficulty in understanding the slaves.—How long do you think it would take an ordinary individual to understand the language of slaves in this colony, and to render himself intelligible to them? I think it might take eighteen months, to make them intelligible to each other on every point connected with the routine of the estate; for any purpose beyond that I cannot say.—Do the Europeans arriving here in the capacity of tradesmen, apprentices and overseers, enjoy good health? No; I believe two thirds of them die in the first three years.—To what do you attribute this mortality? To a climate uncongenial to an European constitution; to indulgence in spirituous liquors, and ultimate abandonment of themselves.—Are you a married man? I am.—From your general acquaintance in this community are you of opinion that marriage is as general amongst the white men as in Europe? It is not so general as in Ireland.—Is it customary for the single men to keep coloured or black mistresses? It is very frequent among the single men.—To what cause do you

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you ascribe the prevalence of this custom? Principally to a great disproportion between the sexes amongst the whites; and to the necessity of having some housekeeper to look after their domestic concerns, and to attend upon them when sick.—Are their connections generally temporary, and liable to be dissolved by sudden caprice? They are generally permament, and last until the marriage or death of the keeper.—What are the usual consequences of either of the foregoing events to the female? If the man who has protected her is affluent, she is well provided for by him, and in any case she has generally an opportunity of saving enough to keep her comfortably for the rest of her life.—Is she the less considered by her relations in consequence of such a connexion? I should suppose not, for I have known some respectable coloured men marry women under similar circumstances, and their own families never hesitate to receive them.—In the course of your practice have you ever met with the case of a female in this colony reduced to disease, want and wretchedness, in consequence of such a connexion? I never met with such a case.—Can you state whether there is a single brothel in this colony? I do not believe there is one.

Tuesday, 25th January 1825.

THE HONBLE WM H. BURNLEY, IN THE CHAIR.

Josiah St. Jago Robbins, Esquire, sworn, and Examined.

HOW long have you resided in this colony? Ten years.—Of what country are you a native? I was born in Massachusetts, and brought up in Georgia.—Have you ever resided on the Spanish Main? Yes; I resided on the coast of the Gulph of Paria between eight and nine years.—What trade or profession did you there follow? I was a planter and owned two estates, there were about eighty slaves on each; the produce of the one was cotton, and of the other cocoa nuts.—Where those slaves attached to the estates when you purchased them? Those on the cocoa-nut estate were, on the cotton estate there were about fifty when I took possession, the remainder I purchased.—Were those slaves so purchased newly imported Africans? Yes.—Did they come directly from Africa to the Main, and what price did you pay for them? They came from the island of Trinidad, where they had been previously imported in British vessels, and cost me on landing at Guiria above 50 joes, or 400 dollars per head.—Had you a free population in your neighbourhood? Yes, there was no want of peons, who are universally spread over the Main; and there was a mission consisting of about three hundred Indians within fifteen miles of me.—Did you then find it more advantageous to purchase new negroes from Africa, than to carry on your cultivation by hiring free labourers in your vicinity? Decidedly so; I do not think it would have been practicable to carry on a cultivation by free labour alone; and that seemed to be the general feeling in the country, for every individual purchased slaves who had the means of so doing; even the free coloured and black people, of which there were a great number in the vicinity of Guiria who had been driven at different times from the French and English islands, and had taken refuge there, all cultivated their estates with slaves in proportion to their means.—What induced you to quit the Spanish Main? The revolutionary troubles existing there; I had openly attached myself to the independent cause; and when General Bores re-established the royal authority, I was obliged to fly for my life to this colony.—In what quarter of this island did you establish yourself? In the quarter of Chaguanas, where I still reside.—Have you any peons or free labourers in your vicinity? Yes, there are about twelve families of peons, who emigrated from the same cause as myself to this colony, who, from their previous knowledge of me, have settled and continue to reside upon my estate; and I occasionally hire free Americans who want employment.—What were your motives for permitting these peons to settle upon your estate? Motives of humanity in the first instance, as they came over from the Main in the most destitute and miserable circumstances that human beings could be in, without food or clothing, and suffering under diseases acquired in the woods whilst concealing themselves from the royalist forces; I hoped besides to make them useful, in some degree, in the cultivation of my estate, upon which I had only twenty-two negroes, with little prospect of increasing their number in consequence of the abolition of the slave trade.—Did

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these people, or do they now, pay any rent for the land they occupy? None at all; and I was obliged to assist them gratuitously at the commencement, by placing them on land already cleared of the timber, and in helping to build their houses.—Do you speak the Spanish language fluently? As fluently as I do English.—Do these peons speak good Spanish? Very good; in this respect they speak much more correctly than the lower classes of free English and French.—From your knowledge then of this class of people, acquired during your residence upon the Spanish Main, and in this colony, do you consider yourself to be perfectly acquainted with their dispositions, habits and manners? I think I am.—Have your expectations been realised with respect to their utility in assisting to cultivate your estate? From my previous knowledge of them I never formed very high expectations of their utility; but from the circumstances under which they emigrated here, I was in hopes that it might be possible to improve them, and attach them to the soil by the agreement entered into between us.—What was the nature and particular conditions of this agreement? I agreed, first, to assist in building their houses, and to accommodate them with lodging until they were completed; second, to support them until able to work out for themselves; third, in case of sickness or inability to work at any time, to advance to them their subsistence, to be repaid to me afterwards in labour; fourth, to allow them as much land as they chose to cultivate, free of rent; fifth, to find them employment whenever they were in want of it, at the rate of 3 *s.* 6 *d.* currency, one pound of salt fish, ten plantains, and two wine glasses of rum per day, with the understanding that they might take work elsewhere if they could get better wages.—Did you stipulate no conditions in return for these advantages? Only that they should give my work a preference when they could not make better terms elsewhere.—Were these conditions committed to writing? No, none of them could read or write, but they were frequently explained to them before the commandant of the quarter, and a Spanish gentleman, Don Juan Antonio Rancés, residing in our neighbourhood, with whom they were previously acquainted on the Spanish Main.—Are they generally stout able-bodied men, equal to the creole slaves? I think they are equally so.—Is there any work at which, by the task, they can earn more than 3 *s.* 6 *d.* per day without over exertion? At cutting down wood they can easily earn one dollar per day.—What then are the causes which prevent their being as useful as slaves in the cultivation of estates? Because you never can depend upon them; they work only when they please, have a great repugnance to it, and what they do is done in a more slovenly indifferent way than by the slaves.—Is it not possible to make a previous contract with them to work steadily every day for three months, one month, or even for a week? I have tried it often; at this moment it would be highly important to me to be able to induce them to work steadily; I have offered them 4 *s.* 6 *d.* per day instead of 3 *s.* 6 *d.* if they would continue constantly at work six days in the week; but in every case but that of one individual they have broken the contract within a day or two after it was made.—Would it not be possible to exact a penalty from them for breach of contract? Quite impossible; after remaining upon my estate above nine years, they are now in possession of no property, and are most frequently in my debt; to keep them upon the property I find it expedient to forgive them annually any small balance which may be due to me, otherwise they would start off to avoid the payment of it.—What are the circumstances which render their services important to you at the present period? I have taken a share in the contract for the supply of the hard wood required in the erection of the military barracks now building; and as we are bound to furnish it as fast as it may be required, it becomes essentially necessary to have a command of labour to a certain extent.—Are we to understand that you find much difficulty in complying with the contract in consequence of the indolence of these people? A great deal; I am obliged to keep forty on my working list, where twenty steady men could easily perform it; I am every day liable to vexations and disappointments; frequently when the carts have been loaden with timber over night, and every arrangement made for their departure before daylight, the peon employed and hired as a carter was either not to be found, or refused to turn out for that day; and those employed in foddering the cattle required to draw the timber, will occasionally inform me at noon that they intend to work no more for the day; under those circumstances I am obliged to draw off the slaves from my cocoa estate, as well as from Mr. St. Hill's, who is joint contractor with me, to prevent the work standing still, or the cattle from starving; and unless we possessed these slaves in reserve, I feel assured that it would be impossible to complete the contract.

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—Are you then of opinion that no dependence can be placed upon them as free labourers, and that they cannot be advantageously employed as such? Certainly; no dependence can be placed upon them, and no person would ever employ them for any other purpose than felling timber who could procure slaves. On our fertile soil they are to a certain degree useful when you can get no other hands, and work under the eye of the proprietor in the same manner as slaves, but to leave them to themselves to work as free men in other countries, I know, from an experiment I have made, that they cannot be advantageously employed in the cultivation of the soil.—What was the experiment to which you allude? About five years ago I purchased a grant of fifty quarrés on the banks of the river Canupia, which is as fertile as any land in the colony, for the particular purpose of making the experiment; I placed six families of peons upon it, which have occasionally varied from four to ten; I found at the onset that it was impossible to commence the cultivation without some slave labour, for the land being flat and alluvial requires draining, and the peons have such an aversion to this work that I was obliged to employ slaves to perform it; they then planted plantains, and young coffee and cocoa trees, the work of which was laid out under my directions, but the weeding was afterwards so badly performed that the whole of the coffee trees are destroyed, and about one half of the cocoa; as long as the plantains remained in bearing I was enabled to pay the expenses of their hire, but since they have begun to fail I am obliged to advance money for that purpose, and I am now contemplating the abandonment of the place.—Would it not be saleable in the market even in its present state? To a person possessing a gang of slaves without land, it would be a very valuable property, but this is not now likely to occur.—Have those families of peons which were settled upon your estate at Chaguanas increased in numbers during their residence? No, they have rather diminished, the greater part of the children born have died.—To what do you attribute this mortality? Entirely to want of care in the mothers; for the negro children belonging to my female slaves, who have been under my own care during the same period, are all, with the exception of one only out of ten, alive and healthy.—Are they not then attached to their offspring? Yes, the mothers seem very fond of them; but as they will not forego any of their habits of dissipation and wandering, the children from neglect get diseased and perish.—Are the women much given to wandering? Yes, they generally accompany their husbands on their hunting expeditions, and are fond themselves of fishing, being frequently absent in the woods two or three nights with their children.—What are their domestic habits and occupations? They do little or nothing but work the provisions for their families, and wash their clothes when they have a change, which is not often; the greater part cannot sew, and employ those who can to make up the garments for them; they spend the greater part of the day in smoking and sleeping.—In what condition do they keep the cultivation on the ground which you gave up to them on your Chaguanas estate? There is not now a sign of cultivation; for the first two or three years they had some provisions in consequence of my allowing them to reap what was growing on the land which I had previously trenched and planted with provisions and cocoa, and which it was understood they were in consequence to keep clean; but in this I was disappointed, and have given that plan up.—How do they now subsist themselves? They depend entirely upon their wages, with hunting and fishing.—Do they profess to be catholics? They do.—Are they attentive to their religious duties? In no one respect, but in tenaciously keeping all the holidays and feast days, and they generally abstain from dancing and music during lent; I believe only two or three of the women know the Lord's Prayer.—Have they been regularly married together by the priest? I believe they only cohabit together as suits their inclinations; some of them have changed their wives and husbands two or three times since they have been on my property.—Are these parties held in less estimation, or considered in less reputable characters by the rest of their country-folk? Not at all; constancy seems not to be considered a virtue amongst them, and chastity is, I believe, quite unknown; three of the women notoriously live with two husbands, one in particular, who is considered a headwoman amongst them, occupies a house, in the two wings of which her two husbands quietly reside, and in fact I may say they live in a state of nature.—Are they fond of strong liquors? They are extravagantly attached to rum, and will do any thing to obtain it.—Do the women drink rum as well as the men?—They are equally fond of it, and will drink to intoxication when they can procure it.—Are they quarrelsome or violent when in liquor?—Very much so; I may safely say there is a drunken riot every Sunday, in which they often wound

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each other with sticks or cutlasses.—Do you ever interfere on these occasions? Whenever I hear of cutlasses I do; but broken heads are so frequent that I leave them to settle their matters themselves.—Have you any authority to act as magistrate over them? No official authority.—Do you take upon yourself to settle their complaints, or punish them for these offences? In some instances I am obliged to do so to prevent more serious consequences.—Do you believe that they consider you to be invested with authority? They do; if they thought I possessed no authority over them they would be unmanageable, and I should be obliged to turn them off the property or leave it myself.—Is the commandant of the quarter aware of your exercising this authority?—He is, being aware of the necessity of it.—As these peons, according to your account, have generally no property at the end of the year, how do they dispose of their money? As they usually work only three days in the week, they have to purchase provisions for the other four days, and the remainder of their money is generally expended in rum and tobacco.—On what food do they principally subsist? On salt fish, plantains and corn, and occasionally a little salt pork.—Do they never eat fresh provisions, or raise poultry and pigs? The only fresh meat they have is the game they catch; pigs they never raise; to induce those I placed upon my Canupia estate, I gave them two breeding sows, on the condition that I should share in their produce; there was no difficulty in feeding them from the plantains which are blown down in an unripe state; but upon inquiry after my share, six months afterwards, I found they had eaten up the little pigs as well as their mothers.—Do they expend much money in clothes?—They cannot, with the exception of a few; they do not lay out as much money as the clothing of my slaves cost me.—Are you then of opinion that they do not expend as much money in British manufactured articles as the slaves? In no proportion, I do not think one half as much; their general expenditure in clothes cannot equal what by law we are obliged to provide for our slaves, without calculating the finery the latter invariably purchase for themselves.—You consider, then, their condition not to be equal to that of slaves?—Their condition and comforts are in no respect equal to that of slaves, they are abandoned to every description of vice, and in case of sickness would die of want and misery unless relieved by charity.—Do they frequently apply to you in such cases? Frequently; I have been feeding one man for the last five months, he is not above thirty years of age; but when he fell sick he had not the means of providing for himself for a single week.—Are they generally kind and hospitable to each other when in sickness and distress? They are, as far as their limited means permit, but they rarely have a provision for the morrow.—From your knowledge of other free labourers, do you consider the Indians or free Americans to be a better description of people than the peons? The Indians are less vicious, but they are not equal to the peons in capacity for labour; the Americans make much more money, those I have employed being principally sawyers, who can easily earn one to one and a half dollars per day, the whole of which they spend in rum, provisions and clothes; those who work with me take regularly one bottle of rum per day; I endeavoured to limit them to half, but many left me on that account; and to prevent a failure of the timber contract I was obliged to submit to their demand. In their moral habits they are in no respect superior to the peons, and they are so indolent that none of those I employ have earned more than $150, in the last twelve months.—What do you raise upon your estate at Chaguanas? Cocoa only.—How many slaves have you upon it, and do you employ a manager? I have twenty-two slaves, and I manage it myself.—Have you a medical attendant engaged by the year to visit your gang? There is none in the quarter, but I was originally myself brought up for the profession, although I never practised it publicly, I have always prescribed for my own slaves, and consider myself well acquainted with the diseases of negroes; I am in the practice of attending, as a friend, the slaves upon the estates in the neighbourhood.—Can you form an opinion as to the cause of the decrease of the slave population of this colony? The principal cause I consider to be the opening of new lands, which operates equally in cold as in hot climates, by creating exhalations injurious to the general health; the next is the promiscuous intercourse which prevails not only amongst the slaves, but between the slaves and the lower classes of free people; I am not aware of any other leading causes.—Do you think that they are in all cases fed and properly lodged? In the quarter of Chaguanas I am sure they are, from the opportunities I have had of judging when visiting the sick upon estates.—In what mode are the slaves fed in Chaguanas?—They receive weekly three and

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a half pounds of fish for each adult person, and half allowance for the children; they have the regular days for working their grounds, and their provisions are so abundant that two or three provision boats are loaded by the slaves every Friday for the market in Port of Spain, and this out of a population of four hundred.—But notwithstanding the general prosperity of the slaves, have you not observed that upon every estate there are some who will not provide for themselves under every advantage? There are some; but very few can suffer in Chaguanas, the cultivation being principally cocoa, which cannot be raised without plaintain trees for a shade, the general abundance is so great that none can want; great care and attention is also paid to this subject, the managers looking carefully after the slaves, and obliging them to go into their grounds.—Do the slaves receive the whole produce of their grounds for their own private benefit? After feeding themselves they have the whole surplus.—Do you then consider this stimulus to be insufficient, and that compulsion is besides necessary to induce them to work their grounds? With some few it is quite sufficient, but the majority would be in want if coercion were not employed to make them work.—Are you then of opinion that slaves generally are not sufficiently provident to take care of themselves? I am sure they cannot; the estate I possess furnishes a strong case in point; when Mr. Herriot, the former owner, died, he left twenty-one slaves, the executor left them to take care of themselves for three years; he furnished them with nothing, and expected nothing from them; they had their whole time at their own disposal, with all the plantains and provisions upon the estate; during the period seven died, and those remaining were in so miserable a state that three of them were past cure, and I think the whole of them would have gone very shortly, if they had not fallen under the care of a master.—What proportion of the slaves in the colony do you think could be trusted with wages in money in lieu of rations and clothing? I have only two out of twenty who would not abuse that confidence, and I believe my slaves to be as good as the generality of slaves in the colony.—During your residence in Georgia, had you any opportunity of being acquainted with the discipline of slaves in that state, and the nature of their punishments? Not particularly; I was acquainted with several proprietors, and was often upon estates, but was not a planter myself; I believe in general their system to have been much more strict and severe than in the West India colonies.—How was the system upon the Spanish Main? About the same as in this colony before the order in council.—Are you in the habit of communicating occasionally with individuals of the Spanish Main? I am.—What has been the effect of the edict declaring all slaves born after a certain day free? I can only speak with respect to the effect in that part of the country in which I resided, which is nothing, in consequence of the destruction of the slave population; the greater part of the men were carried off to the armies, and the women and children died in the woods: of the one hundred and sixty which I possessed, I can only ascertain, from the latest accounts, that sixteen are now remaining.—Is it not possible that some of these may be manumitted, and are now living as free people? No, I am sure there are none, as they have a very rigid police; of the sixteen I have mentioned, two of them had wandered to the island of Margueritto, and one to Rio Caribes, one hundred miles from Guiria, and were reported to me as ready to be given up.—Are not those who have joined the army declared free?—They are free to remain in the army, but if they wish to quit it must remain in their master's service.—Do you consider the peons on the Main to have been equally depraved in habits and manners with those of this colony? They are the same people, with the same habits and inclinations, but under greater control; the commandants kept those in their immediate neighbourhood under awe, and confined them in the stocks for the slightest offences; those who resided in the country lived very detached from each other, and had greater difficulty in procuring rum.—After the settlement of affairs upon the Main, had the proprietors much difficulty in collecting and recovering their slaves?—Those that remained were glad to return to the protection of their former masters; mine would long ago have joined me here, could they have been admitted. I have now one woman, whom I freed for her faithful services when I left the Main; after an absence of six or eight months she found me out, and followed me to this colony, and has lived with me ever since voluntarily as a slave, without wages, receiving her clothes and provisions.—Are you acquainted with any similar instances in this colony? I believe Mr. Graham, in my neighbourhood, has a negro man whom he manumitted some years ago, but who prefers remaining in his service on the same footing as before.—Were the proprietors on the Main very

attentive

attentive to the religious duties of the slaves? They were; in this respect they were much better instructed than the peons; they had prayers regularly upon most estates every evening, which the overseers superintended, or in his absence the driver.—Did the effects of this system operate favourably upon the minds of the slaves?—I think it did; it brought them together at night, taught them habits of subordination, which the implicit obedience inculcated by the catholic religion tended greatly to promote.—Were they in other respects more moral in their behaviour and manners than the slaves in this colony? They certainly were in every respect; showed a greater outward appearance of propriety, and were less insolent and more obedient to their duties.—Are you of the catholic religion yourself? I am.—Have you adopted the same system with the slaves on your estate in this colony? I have not; I shrunk from the task; I found their habits always fixed, and could have little hope of success with the establishment of free people upon my estate, whose depravity was incurable; the facility also in procuring rum in this colony is a great obstacle to the improvement of the slaves, for we always found on the Main that the morals of the slaves were better in proportion to their distance from the great towns.—Do you consider a certain quantity of rum necessary for the health of working negroes? Much depends upon their previous habits, and in low swampy situations I think they require it; I think they generally require more here than on the Main.—Could slaves on the Spanish Main procure rum whenever they pleased? Only those in the vicinity of the town, and it was never considered necessary to serve it out to them as a ration.

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Wednesday, 26th January 1825.

THE HONBLE WILLIAM H. BURNLEY, IN THE CHAIR.

Joseph Peschier, Esquire, again called in, sworn, and Examined.

FROM the wandering habits of the peons, is it possible for the commandants of quarters to exhibit a correct annual return of their numbers? No, we cannot; they avoid, besides, as much as possible reporting themselves.—How do the wandering peons subsist in old age and sickness? I know one, named Juan Assevero, who is superannuated and maintained by his children, who are slaves on the Ross Park estate, and another named Pasqual, who is also maintained by the slaves on the same estate.—Do you suppose that they can at all times afford each other Christian burial? As far as their means and situation permit, they may; one of the most respectable amongst them in my neighbourhood, Juan de la Cruz Marchand, died last year; he was buried in his ordinary clothes, without any coffin; and when I remonstrated with his son afterwards on the subject, he defended himself by pleading his want of means to bury his parent better.—Should any of them die from debility or disease whilst wandering from one quarter to another through bye places, would the commandant always receive notice of the event? No, they generally bury them without notice to the commandant.—Is there no particular officer appointed to whom cases of violent death, or deaths arising from accident, are reported? I believe they are always correctly reported to me.—Has the village occupied by Sir Alexander Cochrane's apprentices been ever visited by any of the missionaries in the colony? A Mr. Stephenson paid a visit to the village in October last; I have not heard of his being there since.—Is there any impediment to the missionaries teaching and preaching to the people? None, if they present a written authority of the governor; but these apprentices generally call themselves Roman catholics.—In what manner are the slaves fed in the quarters over which you preside? Every one above twelve years of age receives three and a half pounds of fish in the week, and half that quantity for those under that age.—Is the half allowance of fish for the children given to the mothers to provide for them? I give the mothers one half of the half allowance only; the remainder I keep myself, and have a pot boiled for the children, consisting of fish, plantains and yams, and occasionally salt beef and rice, of which I give the children that are weaned two meals a day, besides what they receive from their mothers; the sucking infants are brought to the house, and get pap made of flour in my kitchen three times a day.—Is it usual to adopt the plan with respect to the sucking infants? No; the usual plan is to give the mothers the flour and sugar to provide the pap for the infants; but finding that in

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some cases the infants suffered by the mothers eating the flour and sugar themselves, I adopted this plan.—How do the adult negroes supply themselves with ground provisions? From the produce of their gardens; they have more land than they can cultivate, and have often more time allowed them than the regulations of General Picton direct.—Do you consider then that the time allowed by those regulations is not sufficient for the purpose? Yes, I consider it amply sufficient.—Why then do you allow them more? Having removed the cultivation and works of my estate into new lands, this arrangement rendered it necessary for the negroes to establish new grounds, and I gave them in consequence additional time; to the negroes of the Carapichina Hall estate I was obliged to grant the same indulgence, in consequence of the abandonment in which they had left their grounds when they fancied they were to be made free.—Are all the adult slaves able to feed themselves properly under these arrangements? Generally so; some few I am obliged to feed.—The Committee have been given to understand by a medical gentlemen, that in his opinion two thirds of the negroes in the colony have not sufficient foresight to provide for themselves in this mode, to which he attributes, in some degree, the mortality which occasions the decrease annually in our slave population; from your general experience do you consider this opinion to be correct? If the slaves were left entirely to themselves, and not compelled to work in their grounds on the days allotted to them, a large proportion of them would suffer; but when they are properly attended to in this respect, I believe not more than two or three in a gang require to be fed with daily meals; and they are generally so worthless who require this management, that I never knew of one living for any length of time under it.—But the Committee understand it to be the regular plan in Barbadoes for the master to feed the slaves, and not to give them land to work on their own account, and in that colony they appear to thrive and increase in numbers? Barbadoes is a drier island, and may be more healthy, and that system of feeding being universal there the negroes are accustomed to it; here they would consider it to be a disgrace, and would lose all the advantages they derive from the sale of their surplus produce; and I think they would suffer greatly by having such a measure forced upon them.—Could no plan be adopted to fill up their vacant time advantageously on the Sunday? I am not aware of any; if there were any church on the quarter the well disposed would attend it, but the idlers and ill disposed never would but from fear of punishment; I am now obliged to correct some who absent themselves at the usual hour of prayers.—Could not the manager or overseer devote some portion of his time on Sundays to the instruction of the slaves? The overseers on the estate under my charge attend regularly morning and evening prayers on the Sunday, which occupies, with the calling of the roll and assembling the slaves together, about one hour; they have no further time to spare without neglecting their necessary duties, which includes attendance on the militia once a fortnight, looking after the stock-keepers to prevent trespasses by the cattle, watching in every direction to guard against fires, and generally keeping the police amongst the slaves, which is more necessary on the Sunday than on any other day.—What clothing do you give your slaves? In the course of the year I give them two suits, consisting in the whole of one blue jacket of pennistone, two shirts of duck and osnaburgh, and one duck and one osnaburgh trowsers, with a hat; and every other year a blanket.—Do you give those articles all at the same time? No, I give every six months, having found that when they received the whole together some of them sold a part.—Do you consider the quantity of clothing allowed them by the regulations to be sufficient for their health and comfort? I think it amply sufficient as the well disposed slaves who are careful of their clothes make them last much beyond the year; when in the field they generally prefer working with a piece of osnaburgh tied round their waist, forming a short petticoat.—Would it be advantageous to allow people of this description a fixed sum of money in lieu of their clothing, and allow them to find themselves? I think not; for although capable of taking care of their clothes, most of them I fear would spend their money in rum.

José Antonio Adia, free man of colour, introduced by Mr. Peschier as a person capable of giving the Committee information relative to Sir A. Cochrane's apprentices, sworn, and Examined.

Thomas St. Hill, acting as Interpreter.

OF what country are you? I am a native of Cumana.—How long have you been in this colony? Seven years.—Where have you principally resided during that period?

period? For the last three years in the quarter of Carapichinia; before, I lived in Chaguanas.—What trade do you follow? I am a sawyer.—Are you acquainted with the free people who formerly worked with the slaves on Sir A. Cochrane's estate? Yes, I have lived above a year in their village with one of the women, by whom I have a child.—Are these people generally well behaved? They are very fond of drinking, and when drunk, are constantly fighting.—Do you think the conduct of these people worse than that of other free people? Yes, I think much worse; they drink harder, and are fonder of fighting.—Do they ever injure each other in their quarrels? Punir wounded Paschal with a cutlass in the thigh; Demdenard struck Dublive in the face with the handle of an axe, which would have killed him if he had not avoided the principal force of the blow, by getting behind the door-post; and Basil set fire to Tristram's house in the middle of the night when asleep, with the intention of burning him, because he had been obliged to pay Tristram in the morning two dollars which he owed him.—Is there no one in authority over them to keep them in order? Yes, one of the number, named Fly.—What steps does Fly take, in case of a drunken riot, to quell it? He finds it very difficult to do any thing; they pay no attention to his orders; and when he directs one to tie another, they refuse to do it, and he calls me to assist him.—Has Fly ever punished these people for their misbehaviour? Yes.—What punishment does he inflict upon them? He flogs them with a mammuri (a ratton) upon the breech.—Do you think they deserved the punishment inflicted upon them? Yes, they did; it was in consequence of their fighting with each other, and to prevent further mischief.—Do you think their behaviour would be worse if they did not receive the punishment for the offences? Yes; if there was no one in authority they would be much worse.—Why do you continue to live amongst so bad a set of people? I would gladly quit them, if I could obtain permission for my wife and child to accompany me; but she is obliged to remain in the village.

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Thomas St. Hill, Esquire, sworn, and Examined.

ARE you not commandant of the quarter of Chaguanas? I am.—How long have you filled that office? Since August 1820.—In your return of March 1824, to his Excellency the governor, of free people domiciled in your quarter, the whole are stated to be labourers; do you mean by this term that they all work out daily for hire? They are all day labourers.—Are the Committee to understand that they are like day labourers in Europe, and can at all times be hired for agricultural purposes for the day, the month, or the quarter? No; they take only such employment as they prefer, and work only when they please.—What occupation do they prefer? They prefer felling wood by contract, and will work in no other way when they can get occupation in that.—When so occupied, will they work steadily six days in the week? On the average I do not think they work more than three days in the week.—When not occupied in felling timber, will they weed, and perform the ordinary labour of slaves? They will cut down weeds with a cutlass, and pick cocoa, but will never engage to weed with a hoe.—Are you not obliged to trench the land which you plant with cocoa in Chaguanas? We are; it would produce nothing without it.—Can these free people be induced to perform the work, and handle a spade? I have frequently offered them extra pay to do so, but could never succeed.—Do they live entirely by what they earn as labourers, or do they cultivate any ground for themselves? They live by their wages; only four of the individuals included in my return to the governor cultivated land for themselves, and they have latterly given this up.—Are they in any state of comfort or prosperity? Quite the reverse; their personal appearance is miserable; they have no provision for the morrow; and when taken sick, they depend upon the proprietor of the estate where they are working for support.—In such cases do they always repay the advances which may be made to them? Very rarely; in most cases which have fallen under my observation, they take the first opportunity of absconding from the estate.—Do they provide their own tools when they come to work? Never; you are always obliged to provide them.—Amongst the manumitted slaves contained in your returns, do any of them work out as labourers? Two of them.—Do they work steadily or occasionally? More so than the peons; one of them, who is since dead, worked for me as steadily as a slave.—Are the manumitted slaves in your quarter generally better behaved than peons? Yes; those in my quarter were mostly domestics, who were gratuitously manumitted by their masters for their good conduct.—Are you not contractor for the labourers employed in the erection of the new barracks

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at St. James's, now building by the Board of Ordnance? I am.—What is the greatest number of labourers at any time employed there? Two hundred to two hundred and fifty.—Do you pay them higher than the usual rate of wages in the country? I did at first; but I consider 5*s.* per day, which I pay them at present, to be equivalent to 3*s.* 6*d.* in the country with rations.—Are all the labourers you employ free people? Not more than two thirds.—Why do you employ slaves? Because they were tendered to us.—Could you have procured a sufficient number of office labourers? We found it impossible, and were obliged to employ an agent to procure labourers from the Spanish island of Margueritta.—How many did you procure from that island? About thirty to forty.—Is there not a regular check-list kept, showing the number of days work performed by each individual? Yes, we keep a weekly list of the work performed by the Margueritta people, and a monthly list of the others.—Can they maintain themselves during these periods, or do you make them advances? We are obliged to make them advances almost daily, by which we are sometimes losers.—How long since you commenced this contract?—The contract has been entered into some time, but the building of the barracks only commenced in April or May 1823.—Have any of the free labourers worked steadily during the whole of that period? None; the longest period any of them has worked has been six months; generally they do not remain more than six weeks.—During these six weeks how many days in the week do these labourers work steadily? Expecting this question to be put to me I have carefully examined the check-list of the free labourers for a period of two months, and find that their average labour amounts to fourteen and a quarter days in the month.—Do you believe this to be a fair average of their work throughout the whole period? I do.—Have you examined the check-list of the slave labourers during the same period? I have not.—Do you think that they have kept to their work more steadily than the free labourers? I think so, but will take an early opportunity of ascertaining it.—At this kind of work do slaves labour as well as under the eye of their master? By no means, the slave is under no more control than the free labourer, and the master only knows what work he has performed at the end of the month.—In general, which description of labourers would you prefer? Slaves, if they could be procured.—Are overseers employed at the barracks to keep the labourers to their work? Yes.—Is the day's work they require light or heavy? I should not consider it to be heavy, as I have known them return from their work occasionally at two o'clock, when I have every reason to believe they had completed their tasks.—Do you think the overseers would permit them to go before they had completed their tasks? Certainly not, if they attempted it they would be checked.—Would a casual observer be able to distinguish the free from the slave labourer at St. James's, by his air, manner or appearance? Not at all, there is no difference in their appearance.—Do the free labourers seem to enjoy more comforts, or does their condition appear to be any way superior to that of the slave labourers? I consider their situation not to be equal to that of the slaves; for in health they are no better off, and in sickness they have no visible means of support.—Do you know of any other contract for labourers existing at present in this colony besides your own? There is no other.

Tuesday, 1*st February* 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

Robert Mitchell, Esquire, again called in; sworn, and Examined.

[*Mr. Mitchell presented to the Board Returns of the population, births and deaths of the American refugees; of the individuals found cohabiting together in* 1817; *of those who had been married by the Rev. Mr. Clapham; of those who had formed connexions together subsequently; and of the separations and changes which had since taken place. Also a copy of Minutes of Council of the* 11*th July and* 15*th November* 1816, *with a Letter from his Excellency the Governor of the* 13*th August in the same year, addressed to Mr. Mitchell, as superintendent; the whole containing instructions under which he has governed the American refugees.*]

BY the return of population it appears that the total number of the refugees is now nine hundred and twenty-three, which exhibits an increase of one hundred and forty-

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forty-seven since their first settlement; but in the same return the Committee observe that sixty-five are absent without leave; how long is it since you have seen the whole of these sixty-five people? There are about one dozen that I have not seen within the last five or six years.—Can you say how many of them you have seen within the last twelve months? I think about twenty of them.—What assurance have you that the remaining forty-five are still alive? From occasionally making inquiries respecting them of the others.—From your former statement to the Committee relative to variations in prices of corn and rice at the settlement, are they to understand that those variations took place in different years, or annually at different seasons? Annually at different seasons.—What does rice generally sell for in the husk? I do not know of any having been sold in that way except for seed, for which I have paid six dollars per barrel.—Is the cultivation of rice increasing? It is.—How many barrels of corn and rice could you purchase by contract in the season? I think the whole of the settlers may raise throughout the year two thousand barrels of corn in the ear, and four to five hundred barrels of rice in the husk.—As you stated that many of the refugees had not been regularly married from the want of a clergyman, the Committee wish to know if any obstruction or impediment exists to the visits of the missionaries? There is no impediment; in one instance, at the commencement of the settlement, an individual missionary, whose character would not bear the strictest scrutiny, was prevented from visiting them.—What road-duty are the refugees obliged to perform? For the last two years they have not worked more than one day in the year on the public road, besides keeping the roads to the settlements cutlassed, which may have taken about as much more time.—Is their individual duty upon the road generally equal to that of the slaves in your quarter? It is not; the slaves are generally obliged to work about six days in the whole year.—What is your salary as superintendent? 50 *s.* currency per diem since 1818; previous to which it was 4 *l.* currency.—Are there any other officers who receive a salary? Yes, the assistant superintendent receives 15 *s.* per day, and is allowed besides 7 *l.* 4 *s.* per month for the hire of two servants; no other salary or expenses are now attached to the establishment.—What advantages do the serjeants and corporals receive? They receive nothing; their appointments are honorary.—The Committee having been given to understand that these officers are the most influential persons to procure the services of the others, when required by the planters; do you think they may not occasionally receive bribes or douceurs for so doing? I have heard of one or two instances of this occurring shortly after their arrival, but latterly I have every reason to think that they have received nothing.—With your present experience and knowledge of these people, are you now of opinion, that if the monies defrayed by the government had not been expended in their establishment, and that these people had been left to their own resources, they would have suffered materially? I have not the least doubt on the subject.—Are you of opinion that at the present time the discipline under which they are kept could be advantageously dispensed with? I am sure it could not, either with regard to their own comfort, or the security of the neighbourhood; those who attach themselves to the village are in better circumstances than those who are habitually absent; and by the returns of deaths, the Committee will see that ten out of the twenty-two deaths since 1823 have occurred amongst one hundred and eighty-seven absentees.—Could you not advantageously substitute fines in lieu of corporal punishments for offences? I think it would be very injudicious to attempt it; if any of their little property was seized, I think they would immediately start from the settlement.—What description of property are they generally possessed of? A few fowls and pigs.—Have none of the superintendents, or the most industrious amongst them, horses, horned cattle, carts or wheelbarrows? None of them; I recollect one who had a horse, but he was not used for any purposes of agriculture, and did not live more than six months.—By the second article of the minute of council of July, it is directed that the spots selected for the establishments of the Americans should be of the best land; was this attended to? It was, as the land will show.—What proportion of time in the week, properly applied upon such land, do you consider to be sufficient to subsist an individual? I think half a day, properly applied, would be sufficient.—Were the five quarries of land given by the government distributed to each family, or to each individual? Every man received five quarrés, whether with or without a family.—What plan do you adopt with respect to the young men growing up, do you give them land? Only one has applied, and I gave him five quarrés.—Have not many young men grown up since the first distribution? I cannot say; there must have been several.—Do the parents seem attentive in bringing up their

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children to industrious habits? The Americans more so than the Africans.—In this respect will the best of them bear a comparison with the labouring classes in England, who generally oblige their children to do something useful at an early age? No, it will bear no comparison; they generally let their children have their own way.—From your observations, do you think that the next generation will be more industrious than the present? I fear that the facilities they possess of gaining a livelihood in this colony will present obstacles to their improvement in this respect. —Are they permitted by the government to sell their lands? They are not.—Is it part of your duty as superintendent to visit their cultivations, and where you observe neglect to spur them on? It is; I have been unremitting in that part of my duty; and unless I had exercised it, many of them would not have done as much as they have.—How often do you visit them for that purpose? Upon an average about twice a month; but it is one of the principal duties of the assistant superintendent to visit their cultivation once a week.—If this duty were now suspended do you think their cultivations would be neglected? I should apprehend it.—What are your other essential duties beyond examining into the state of their cultivations? Writing passes, adjusting contracts, administering the police and settling disputes, which takes up most of my time. In my last examination I stated, by mistake, that I had no written authority to inflict punishments, but the Board will observe with reference to the sixth article of the minute of council of 1816, that I am therein authorized to redress complaints, hear grievances and to punish offenders.—In the returns laid before the Board there appear to be eight individuals who never quit the villages to work out, are these people to be considered as amongst the best characters? They are.—You stated before, that many of those who worked out planted canes; is this a laborious occupation, and in what respect does it differ from planting canes in the old islands? It in no respect resembles that work in the old islands; no more land is turned up than is just sufficient to cover the plant, and no hole is dug; it is as easy as the cultivation of provisions.—Do they ever engage themselves to dig trenches with the spade? They do, and are expert at it.—Do they ever hire themselves out as boilermen and firemen? I know of no instance of it, and do not think they would act as firemen. —Have you heard of their manumitting their slave children which they may have had by negresses upon estates? It has never occurred, and I should have known of it if it had.—Do the Women work out on hire? Only two, who hired themselves out as domestics.—Do the women generally work in their own grounds? Yes, they do.—How do they usually employ themselves on Sundays? They generally hear a lecture from one of their preachers, which may occupy them about two hours; the rest of the day they pass quietly, the Africans are fond of dancing on Sunday.—Since rations ceased to be distributed to them in 1817, have any of them from want required relief? Yes, every year, there are some amongst them who return from working out, and who have in the interval abandoned their grounds.— In what way do they receive relief? They generally come with a sore, or plea of sickness, and are admitted upon the hospital list.—You stated that you had refused permission to the refugees to work out until the hospital dues were paid; how has this operated to effect their payment? In a very trifling degree; they soon found the means of working out without my permission.—How much is due by them at present to the hospital fund? About 700*l.* currency.—Does this arrear arise from want of means, or want of inclination to pay it? I think from both causes.— Amongst the settlers do you find the Americans generally more moral and correct in their behaviour than the Africans? I think the reverse, the Americans are cunning and artful, and have no idea of the truth; most of the thefts have been committed by them; the Africans are more steady and quiet, and you can place more reliance on their word.—In the return you have given in of the separations amongst the married couples, it appears that in nine out of ten cases the women have deserted their husbands; from your observations do you consider the women to be less constant in their attachments than the men? I think so, I have generally observed a disinclination amongst the females in all the free labouring classes to marry, those who are catholics defer until they are in extremity, to ensure absolution from the priest.

[The following letter, which his Excellency the Governor had directed to be laid, with other papers, before the Board, was then read.]

Sir, 27th June 1823.

With reference to the evidence I had the honour to give yesterday before your Excellency, and the honourable Council, I feel called on to explain more fully than

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than I did, the opinion I gave, whether sugar estates could be carried on entirely by free labour; I do not think they could, in the manner the work is carried on at present, making certain large quantities of sugar in a given time, in many instances working eighteen out of the twenty-four hours, which constant labour the free settler will not submit to, whose easy circumstances renders him independent; but I am of opinion that estates with few slaves are greatly assisted by free labourers, as in the quarter of North Naparima, where in many instances within my knowledge, the canes are planted and cut down, whilst the staves, hoops and heading are split by them; and was the free population greater than it is in the colony, I have no doubt sugar estates, carrying on labour from sun rise to sun set, might be worked by them, whilst the planter would receive a moderate indemnification for his outlay.

To your Excellency's question of the means I considered the best for adopting the slave to his new state of liberty; first, his religious instruction, that is his duty to God and to his master; second, the giving a stimulus to his exertion by holding out a prospect of his acquiring his liberty by industry and care, and I can conceive no stimulus stronger than the purchase for him in the first instance of a day in the week, or sixth part of his value, on which capital he could in a few years work his freedom, and when free, reimburse the advance of his original purchase to government.

I am aware that the nature of slavery is such that many slaves would not avail themselves of the boon, but the most deserving part would.

I have the honour to be
Your Excellency's most obedient and most faithful servant,
(signed) *R. Mitchell*, Commandant.

It appears by this letter, that after all your experience of the American refugees, you were of opinion in June 1823 that they were highly advantageous to the planters in your quarter as free labourers; are you still of the same opinion? I am.—Do you think it would be advantageous to the planters in your quarter if their numbers were doubled? Most decidedly.—Have you ever made any calculation to ascertain whether it would be advantageous in a general view to the government or to the colony to increase their numbers? I have not.—The Committee are anxious to make this calculation, and to simplify it will take the number of thirty-two Americans, men, women and children, which cost the government in their establishment about 42 *l.* currency each:

32 Americans at 42 *l.* each gives 1,344 *l.*
12 to be deducted, being in the proportion of three eighths for women and children, who by your statement never work out.
20
10 to be deducted, as it appears from your evidence that upon an average the men work out only half the year.
10
5 to be deducted, as it appears from their habitual loss of time that when working out they only perform half the work of an able-bodied slave.
5 remainder.

By this calculation it would appear that a proportion of labour equal only to that of five steady working slaves has cost the British Government 1,344 *l.* currency; have you any objection to make to this calculation? It appears to me to be correct.—Does it not then appear to you, that although it might be advantageous to the planters in the vicinity of the settlements, it would be a very unproductive scheme of general policy to increase the numbers of the refugees? It would appear so.—You stated in the same letter to the governor that slaves on sugar estates worked in many instances eighteen hours out of the twenty-four; do you mean in these cases to allude to the whole of the gang upon an estate, and to every day throughout the year? I mean only in time of crop, and the people employed at the mill and works.—Is it a general custom in your quarter on estates to make the mill and boiling-house gang work in crop time eighteen hours out of the twenty-four? I do not think it is the custom at present, but I think it was three years ago.—Do you know from your own observation that this was the case? I have been told so.—How much sugar per week is made on the largest estates in your quarter? From ten to twelve hogsheads; generally the rate of work is from eight to nine, or one and a half hogshead per day of thirty-six in truss.—How many gallons of liquor would

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would it take to make one and a half of these hogsheads? About two thousand gallons in the yielding season.—Do you not, from your knowledge of a sugar estate, consider it to be great mismanagement to take eighteen hours to boil off two thousand gallons of liquor? I do, when the coppers are well hung, in which respect great improvements have been made of late.—Do you find that the manumitted slaves in your quarter are more useful to the planters as field labourers than the American settlers? I do not know of one manumitted in my quarter working out as a field labourer; those who do not cultivate their own ground as free settlers, generally work as journeymen tradesmen.—Amongst the manumitted slaves are they in all cases able to work and maintain themselves when free? I know of no instance in my quarter to the contrary.—Are you aware of any instance in which slaves possessing the power of freeing themselves have preferred remaining in servitude? Yes, I have known several; I had one slave in my own possession named George Ireland, who was himself the owner for many years of another slave, purchased by his own money; he bought also the freedom of two of his children, and finally died himself a slave in my service.—You stated in your evidence before the Council last year, that you had increased your gang of slaves considerably since 1817; how many have you purchased since that period? About forty.—With the means then of purchasing slaves you consider it to be more advantageous so to do, than depend upon the free labourers in your vicinity? I do.—Would you give a preference to a gang of hired slaves rather than depend upon the free labourers? I would, as they could be depended upon; last year my free labourers left me in the middle of crop, by which I suffered considerable loss.—Are you not corregidor of the Indian mission in your neighbourhood? I am.—What is their present number? Two hundred and fifty by the last return.—How long have you filled the office of corregidor? Eighteen years.—Have the Indians increased in number during that period? The returns throughout that period are not entirely correct, as the peons were included with them for the first six years; but from my observation, and the returns since, I think their numbers are about stationary. Are they of more value to the community as labourers than the Americans? I think, with respect to labour, there is no great difference, but they are preferable as being quiet and more manageable.—In other respects is there any great difference in their moral habits and manners? I think them more honest than the Americans born, but they are equally fond of liquor.—From your observation do many negroes suffer in your quarter from neglect of their own grounds, and being too improvident to take care of themselves? A great many I am convinced would suffer, if not compelled by the master to work their grounds.—In your opinion, are there many whom it would be more advantageous to feed like children, with cooked meals? There may be a few, but it would not answer with our best negroes.—Have you ever observed that the comforts, clothing or food of the negroes has varied for the last ten years, according to the price of sugar or other produce? The state of the markets never affect a negro's comforts; but I consider their situation to be much improved within the last twenty years.—Independent of the allowances prescribed by the regulations to be given to each slave, is the master in the habit of giving them any thing else? Yes, occasionally I give mine half a pound of salt pork in addition to their fish; they regularly receive tobacco, pipes, salt, rum, molasses and sugar, and they frequently ask for soap, and a variety of little articles in the store, which are rarely refused, if they behave themselves properly.—Are any of these douceurs secured to them by law? None of them.—As a regular food, do you think they would prefer fresh beef and mutton to salt provisions? I am sure they would have a decided objection to it; the natives of the country, white as well as black, prefer salt provisions.—Are you of opinion that our slaves receive too much salt fish, and that it renders them liable to sores? I have not observed it; there is a prejudice against herrings on that account in the colony, but I cannot say how far it may be founded.—Have you any division in your hospital for the males and females? I have not; our gangs are generally small, and when really sick, it is found preferable to let them remain in their own houses.—Do you find that under these circumstances you can trust to their not exposing themselves improperly when under the effect of medicine? I have suffered in that way, but my gang is small, and the sick not numerous.—What clothing do you give your slaves every year? A woollen jacket and trowsers, one shirt of check and another of red baize, with a pair of sheeting trowsers and a hat; every second year they have a blanket. To the women I give a woollen petticoat and long wrapper, two shifts, a handkerchief and a hat; blankets the same as the men.—

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men.—Is this found to be amply sufficient? It is for those who take care of it; my women are careful in that respect, but several of my men are not.—Do you know of any slaves who habitually dispose of their clothing immediately after they receive it? I have none in my gang; but it is not an uncommon thing.—Is it found that this offence can be arrested by punishment? It is generally found unavailing to punish them.—What magistrates have you resident in the quarter of North Naparima of which you are the commandant? There is an assistant besides myself, but no other magistrates.—Do you receive, either of you, any pay or emolument from the government for serving in that capacity? Nothing.—Would it be possible for you to preserve the peace and order of the quarter without the assistance of the whole of the white proprietors? It would be impossible; I consider every white proprietor to be virtually acting as a magistrate, and to be as much bound as myself to preserve peace and order, whenever he may be present, and to attend any summons should I require assistance.—Are you aware of any laws to that effect? I know of none, but custom and necessity prescribe it.—Are you then of opinion that where a master's power over his slave is diminished, his power as a magistrate is weakened in the same proportion? I am.—Are you in possession of any official instructions for your guidance as commandant?—I know of none, but those of General Picton's.—Have you any regular military force established in your vicinity? There has never to my knowledge been a military force in it since its first settlement.—Would the inhabitants of the quarter make any pecuniary sacrifice to ensure the protection of a regular force? I do not think they would.—In the event of any disturbance or insurrection, have you the power of calling out the militia? I am not aware whether in my civil capacity of commandant I possess that power, but as commanding officer of the division I can do so.—Are you aware of any form prescribed to the commandant similar to the reading of the Riot Act in England, previous to his calling upon the military, to act? I know of no form or instructions to that effect.—In the event then of any disturbance or insurrection, the line of conduct to be adopted by a commandant would depend entirely upon his own judgment and personal character? Yes, I think so.—Are there many foreigners resident in your quarter? Very few.—From your general acquaintance with them, do you consider them to be more or less independent than the English planters in their circumstances? Generally, I think the foreigners more independent.—Do they generally consider themselves to be more attached to the soil than the English? I think they do.—Does an English planter pay as much attention generally to his comforts on an estate as the foreigners? I think not.—For example, is he fond of planting fruit trees? Decidedly not.—Generally speaking, do you consider the English planters to be independent? I do not.—Do you know of any disposable capital within the colony? I know of none; the foreigners owning cocoa estates may have money to spare, but money is only to be borrowed from the merchants in England.—Do you think that a British merchant would as readily lend money on a coffee or cocoa estate as on a sugar estate? I think he would prefer lending it on the security of a sugar estate.—Do you think that, under any circumstances, a British merchant would lend money on the security of an estate in this colony raising only corn or cattle? I am confident he would lend money on no such security.—Are you then of opinion that the preference given by the British merchant in this respect has tended in a great degree to influence the cultivation of sugar in this colony? I decidedly think it has.

Wednesday, 2d February 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

John Cobham, Esquire, sworn, and Examined.

ARE you not a native of the island of Barbadoes? I am.—Are you well acquainted with the management of slaves upon sugar estates in that colony? I think I am; from my birth I resided upon my father's estate in that island.—Were you at any time owner of a sugar estate yourself in that island? About three years.—How long have you been resident in this colony, and in what capacity? I have been here about sixteen months, and in possession of a sugar estate.—Do you continually reside upon it and manage it yourself? Yes.—Have you resided here

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here long enough to make yourself acquainted with any difference which may exist in the system of treating and managing slaves in both colonies? I think I have.—In what does that difference principally consist? There was no material difference in the system of punishments, excepting that latterly the use of the cat was universally established in Barbadoes for the cartwhip.—From your general observation do you consider that slaves here are punished more severely than in Barbadoes? I do not.—Is not the number of stripes limited by law to be inflicted upon a slave less than in Barbadoes? Yes, since the order in council; but previously it was the same, thirty-nine lashes.—Is not the system of feeding the slaves here different from that in Barbadoes? Entirely different; in Barbadoes the whole of the slaves indiscriminately receive from the master not only fish but vegetable food, and provide clothing for themselves; whilst the custom here is to allow the slave time in lieu of the latter, which he is expected to provide for himself.—Which of these plans do you consider preferable? As a planter I prefer the Barbadoes plan.—Do you adopt it yourself? I have, my people whom I brought with me from Barbadoes being always accustomed to it.—What do you consider to be the principal advantage attending the Barbadoes plan? I think it insures the negroes being better fed, as I do not think they can be trusted to take care of themselves: since 1812 it has been a general custom in that island not only to give them the provisions, but to have a dinner cooked and distributed to them, that we might be sure of their getting at least one good meal; for it was discovered during that year, when provisions were very scarce, that many of the negroes sold their allowance and starved themselves; and the children we never trust to the mothers but provide for them entirely; and I think it very probable that the increase in the numbers of slaves in that island may have been assisted by this system of feeding, as it has been decidedly greater latterly than formerly.—In the event of a slave considering himself ill used in Barbadoes, were his facilities of complaint equal to what they are here? No; the facilities of complaint were by no means equal to what they are here.—Do the slaves work harder here than in Barbadoes? No; the slaves in Barbadoes do infinitely more work in a day than slaves here, and apparently with perfect ease to themselves.—With respect to the general appearance of the slaves as to health and strength, do they look better in Barbadoes than in this colony? Yes, I think they are generally finer looking people.—Are they chiefly Creole slaves upon the estates? With very few exceptions entirely Creole.—Do you consider the lands here to be more fertile than in Barbadoes? Without comparison more fertile.—Can you suggest to the Committee a probable cause why our slaves in this island should decrease in numbers, whilst they increase in Barbadoes? I have often considered the subject, but cannot fix upon any cause which appears to me sufficiently satisfactory; it may be owing to the disparity of the sexes, and the small number of women compared to the men, whilst in Barbadoes I believe the females to be the most numbers.

It was 25, not 39. *R. W.*

James Meany, Esquire, sworn, and Examined.

WHAT official situation do you hold in this colony? I am town major and chief of police, which office I have filled since 1818.—What are your general duties, and under what authority do you act? I act under a commission from his Excellency the governor; my authority extends over Port of Spain, where I permanently reside, and generally throughout the colony, I believe, should occasion require it, having occasionally repaired by orders to other quarters. My business is generally to preserve peace and good order, and to see that all the government and police regulations are carried into effect.—Is it your duty to take up idlers and vagrants, as well as those who commit breaches of the peace? It is.—Do you possess any authority as a magistrate to fine and imprison? I have authority to fine to the amount of 10 *l.* currency, and to imprison free persons until they can furnish security to appear before the alcaldes; and in all cases I possess the power of imprisoning slaves.—Are the vagabonds and paupers whom you find wandering in the streets of Port of Spain mostly slaves or free persons? Mostly free persons; but vagabonds and paupers are by no means so numerous here as in the cities of Europe, and vary much from particular circumstances; for a short time we had many, during the emigration of the coloured inhabitants from the Main; and at one time we were troubled with many of the unfortunate persons who went out as adventurers to join the Independents on the Spanish Main.—Is it common to meet with slaves begging for alms in the streets of Port of Spain? I never

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I never recollect but two instances, which occurred about five years ago.—In these cases were the slaves in absolute want of food? Not at all; their masters were willing and able, and did provide for them; but one being old and the other a leper, they did no work for their masters, and adopted this plan to raise money.—Do you know of any public hospitals existing in this colony for the benefit of the slave population? There is not one.—Do you consider such an establishment necessary? I think not, as I never recollect a circumstance in which an owner could not provide for his slaves.—From your experience would you consider such an institution necessary for the lower classes of free labourers? Certainly I think so; there is at present an infirmary established by the cabildo, which is capable of taking care of about fifteen to twenty, but which is not large enough for the wants of the poor free people who cannot provide for themselves.—How is the medical and surgical attendance provided? Dr. Neilson is permanently engaged, and a sick nurse is regularly in attendance; but in all cases of accidents I call upon the nearest medical person.—Are you aware that the medical gentlemen in town frequently attend upon poor free persons gratuitously? I know that Doctor O'Connor frequently attends upon them in this way, and I believe the other medical gentlemen are in the habit of doing the same thing.—Amongst your official duties do you not attend to the complaints of slaves, as well as of their owners? I do.—Are there not many individuals in moderate circumstances, in and about Port of Spain, owning only two or three slaves? I believe there are many who own only one.—Are you aware of any public funds or securities in this colony in which small sums of money could be profitably invested for widows and female orphans? There are none.—Has it not been usual with guardians and executors, in these cases, to lay out small sums of money in the purchase of one or two slaves, as affording the most beneficial and secure investment? It has.—In your capacity of chief of police, do you ever meet with public prostitutes plying in the streets of Port of Spain at night? I am sure there is nothing of that description.—Do you know of a public brothel in the town? There is not one.—Do white men here frequently keep coloured mistresses? It is not uncommon.—Are these connexions frequently dissolved from caprice, or do they appear to be permanent? With very few exceptions they are permanent.—Do such connexions usually entail want and misery upon the female? Never; they usually find the means of making a comfortable provision for themselves.—Do your official duties lead you much in the way of the free labouring classes in Port of Spain? It is a particular part of my duty to keep a vigilant eye over them.—Are they generally in comfortable and easy circumstances? Generally they are in great poverty, and I believe live only from hand to mouth; for usually when they fall sick they are in extreme want and require assistance, and when they die they generally leave no funds for their burial; the coffin, if it cannot be procured by a subscription amongst their surviving friends, is furnished by the cabildo, and the grave dug gratis. This very frequently occurs; so much so, that I have a regular contract with Martinborough, the carpenter, to furnish the coffins when required.—In their habits and manners are they more or less moral than slaves? They mix so much together that there can be little difference in their moral feelings; neither is there much or any difference in conduct between them and slaves who contract to pay their owners by the week or month, and are in a great degree under no control.—Then you do not think it advantageous to the slave to make such a contract with him? Quite the reverse; it is sure to render them immoral and vicious, and when they cannot earn what they have engaged to pay, they acquire the habit of stealing it.

Tuesday, 8th February 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

Mr. Argent F. Blackwell, sworn, and Examined.

WHAT office do you hold in this colony? Alcayde of the royal gaol, and attorney of the prisoners.—What are the duties which appertain to these offices? I have the chief command and superintendence of the gaol, and am responsible for the whole management of it, to see that the orders and regulations of the government and magistrates are enforced. It is my duty to notify to all proprietors of slaves the detention of those which belong to them, and to take care that they do not

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not remain in gaol after the term of their sentence has expired. I purchase all the provisions required for the maintenance of the prisoners; I keep the whole of the gaol accounts, and have the charge of supplying the gaol infirmary.—How long have you filled these offices? I have been alcayde only ten months, but served altogether in the department about four years, in the previous offices of clerk and gaol attorney.—What salary do you receive, and by whom is it paid? My salary is 800 $ dollars per annum, which is paid by the Board of Cabildo.—Do you make any difference in the work and discipline of prisoners previous to and after trial? Yes, in all cases, whether free or enslaved; none are put to work in the tread-mill, nor to pick oakum previous to trial; they are only obliged to keep their own rooms clean.—After sentence to what description of work or punishment are they subjected? For slight offences they are sentenced by the courts to work in the tread-mill, but when sentenced to hard labour they work in chains, and clean the streets of Port of Spain; we have besides three solitary cells in which prisoners are sometimes confined by order of the court.—What portion of time during the day do the prisoners work in the tread-mill? They work alternately in spells, fifteen minutes at a time for six hours, so that each individual is upon the wheel for three hours in the course of the day, provided I have no orders to the contrary; but it has happened that prisoners have been sentenced to work only half an hour in the day.—Is ther any medical gentleman engaged to attend upon the prisoners in gaol? Yes, Dr. Neilson is the gaol physician; he attends daily at seven o'clock in the morning, and at any other time when summoned.—Does he examine each prisoner as to the state of his or her health previous to their working in the mill?—Yes, and when he considers that the prisoner from the state of his health ought not to be subjected to that discipline, he records the same in the mill-book, and it is my duty to make a report thereon immediately to the sentencing magistrate.—Does the gaol physician examine into the state of the provisions or the dieting of the prisoners? The regidor of the cabildo inspects the provisions to see that they are of proper quality, and it is his duty to hear if the prisoners have any complaints on that score, or on any other; but the gaol physician, whenever he considers it necessary, recommends alterations in the nature and quantity of food given.—How often does the regidor attend at the gaol? Regularly twice a week.—What is the ordinary allowance of food to each prisoner per day? Each prisoner receives one pound of corn meal and a quarter of a pound of salt fish per day.—Is this the regular diet of the prisoners who are in health, without variation? It has been so since the establishment of the tread-mill early in 1823; previously they received sixteen ounces of bread and half a pound of fish, but this was considered too much by the board of magistrates, and the present quantity was ordered.—When the prisoners are not working on the mill, are they employed picking oakum? Those who are under sentence.—Are slaves committed as runaways considered to be under sentence, and worked accordingly? In this respect I follow the directions of the chief of police, who visits the gaol every morning and examines the runaways committed; if they appear to have any just ground of complaint against their masters they are not worked, otherwise they are put into the tread-mill with the other prisoners.—Have you resided upon estates in this colony in the capacity of manager or overseer, or in any other? Never.—What fees are charged for the commitment and maintenance of prisoners? The charge for commitment and release is 12*s*. Ten shillings is charged for the mill, or for corporal punishment by the cat, and two shillings per day is the charge for food; all currency.—How many accounts do you keep, and under what distinct heads? I keep three accounts for the gaol; one for the mill, which includes wear and tear and the supply of grease; this is credited by the profit arising from the grinding of meal, and the charge of 10*s*. for each prisoner working upon it. There is another account open for the supply of provisions to the prisoners, and other necessary articles required for the use of the gaol, such as brooms, tubs, wood for fuel, iron pots, blankets, servants hire, with other small miscellaneous charges, to the credit of which account is placed the commitment and subsistence money, and that part of the fee for corporal punishment which is not received by the driver, besides which I keep a third account for the salaries of the officers under me.—Are the receipts generally equal to the disbursements under those separate heads? Not all of them; the mill has hitherto paid, but the charge for commitment and subsistence is not equal to expenditure for the various articles included in that account.—After balancing the whole of the accounts what did the gaol establishment cost the cabildo last year? I have just rendered the account, and the expenditure exceeded the receipts by 1,475*l*. 8*s*. 4*d*. currency.—Is no separate account kept for the subsistence

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sistence of the free labourers confined in gaol? No, the subsistence of the slave and free labourers is blended together.—What is the difference in the number of free persons committed compared to the slaves? I think the free persons are about one fourth less than the slaves.—Can the free persons committed always pay for their commitment and subsistence money? When committed on criminal prosecutions the court does not always sentence them to pay their expenses, otherwise I have great trouble in getting it; not more than half of those committed are able to pay when released; from the remainder I am obliged to take their promissory notes, and have great trouble in recovering even one half of the notes so given.—Which are the classes of the free people who pay the best, and which are those who do not pay their expenses? Those who most regularly pay are the Spanish labourers, or those who serve in the employment of gentlemen, and the disbanded soldiers who are in the receipt of pensions, which I secure by attending on the pay-day; I find the greatest difficulty with the wandering disorderly labourers who have no settled residence, amongst which I include the disbanded soldiers who have no pension and reside in the neighbourhood of Port of Spain.—Do you find any difficulty in recovering the fees from the owners of slaves? I do from those residing in the country, particularly the coloured proprietors.—What is the general amount of loss upon these collections? I think the whole will be paid, although with some delay.—Have you ever observed any slaves committed who were branded with letters and other distinguishing marks? Never; none that I have seen were marked except with their country marks.—Are the males always separated from the females? They are kept in separate wards, so that they can have no communication with each other at night; when picking oakum they are placed on separate benches, and when they receive their meals; but we are obliged to work them on the mill with the men, for want of a sufficient number to make distinct spells.—How many persons do you require in a spell to work the mill? By altering the regulator I can work from two to seven.—Upon an average, how many have you generally under sentence to work the mill? Generally from twelve to fourteen; I never knew more than twenty-six, or less than four.—Is it part of the duty of the gaol physician to see that the persons sentenced are equal to the fatigue of the mill? It is my duty, when I observe any who seem not equal to it, to call for his opinion.—As the women work regularly with the men, do you find them equally able to bear the fatigue? By no means; I consider a fortnight's labour for a female to be equal to a month for a man.—With respect to the general conduct of the prisoners, do you observe any difference between the free labourers and the slaves? Yes, I find it more difficult to govern the free people; they are more insolent and riotous than the slaves.—Amongst the slaves do you observe any difference in the conduct and behaviour of the sexes? Yes, I find the men easier managed than the women; the latter are more insolent, use worse language, and are more quarrelsome amongst themselves. I am rarely obliged to go into the men's ward at night, but am frequently called into the women's ward to keep them in peace and order; and I have generally observed less of decency and propriety of behaviour amongst the most intelligent of the female slaves who reside in and about Port of Spain, than those who come in from the country.—What are we to understand by less of decency in the behaviour? I mean that those who reside in and about the town are more bold and daring than the others in their indecent behaviour; there seems to be very little sense of shame amongst any of them. Whenever a heavy shower of rain suddenly falls, it is the regular duty of a person under me to prevent their stripping themselves stark naked, and standing under the waterspouts; and at the time appropriated for the men to bathe, if a vigilant look out is not kept, they will slip in and mingle with the naked men, which has frequently occurred. In this respect I have observed that the Bermudian and Antigonian women have less shame than those of this colony.—How are the baths arranged for the use of the men and women? There is a room used for that purpose, about ten feet by eight, in which four half puncheons are placed, filled with water from a pump close to it; every prisoner is obliged to bathe once a day; the women bathe first at day-light, the men immediately afterwards.—How often are prayers read in the gaol? Every Sunday morning I read prayers to the prisoners, for about half an hour.—Do you generally find them quiet and attentive? They are always quiet, and generally attentive; and since I have adopted the plan I think it has increased my authority over them.—Do you not, in some cases, permit prisoners who have the means to receive their own provisions in gaol; and under such circumstances what are the rules and limitations? Prisoners in general, except

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except in criminal cases, after judgment is pronounced, are permitted to receive from their friends a reasonable quantity of provisions, according to their situation in life; but no wine or spirituous liquors are allowed to be introduced on any account, whatever may be the station of the individual, without an order from the gaol physician.—Are slaves ever sold to pay the gaol expenses? Yes, when slaves are committed as runaways, and the masters are duly notified to take them out within a given period, if they neglect so to do the slave is sold; but when committed by the court they are never detained on account of the gaol fees.—Are the cases frequent in which slaves have been sold for the gaol fees, and does it generally arise from the inability of the owner to pay them? There were about five or six sold last year; and in all the cases I am acquainted with the slaves were such bad subjects that the masters thought it the best opportunity to get rid of them.—How many prisoners could the gaol conveniently hold? For purposes of security eighty could be confined; but with reference to classification and separation I do not think more than thirty could be properly confined; but this estimation is exclusive of the debtors, of which twelve might be comfortably accommodated.—What is the average number of debtors in confinement? I never had more than four, and that for a very short period; there is seldom more than one.—What mode do you adopt for the confinement of criminals under accusation for capital offences? We have a part of the outer court of the gaol appropriated for criminals previous to trial, in which there is a building termed the House of Security. In this the criminals are lodged under a sentry, and are allowed communication with their friends between eight to ten o'clock in the forenoon, and from one to three in the afternoon. When the case is sent for trial to the court of criminal prosecutions, the prisoner is removed into the royal gaol, under a warrant from the judge of criminal inquiry, when he is placed in a distinct ward appropriated for criminals under trial; if sentenced to capital punishment, he is put into a solitary cell, and ironed, until the sentence is executed.

Mr. *John Fogerty*, sworn, and Examined.

WHAT office do you fill in the royal gaol? I am warder of the gaol.—How long have you held that situation, and what salary do you receive? I have been in the situation about ten months, and receive 400 dollars a year.—How long have you been resident in the colony? I have been in it about eighteen months.—Have you ever served in any situation upon estates?—Yes, I lived in the employ of Mr. Pilkington on his cocoa and coffee estate at Arima.—Have you had ever an opportunity of seeing the nature of the labour performed by slaves upon sugar estates? I have frequently been upon sugar estates since my arrival here, and often when I was in the naval service, having been three years upon the West India station.—What is your opinion as to the difference of labour between working on the tread-mill and working in the field? I think there is no comparison in the labour; even when the prisoners are working on the mill the labour is, in my opinion, lighter than labour in the field; but the whole time they work on it does not exceed three hours in the day; those who are new to it and awkward in the step labour harder than the others, but in two or three days they acquire a greater facility.—Then you consider the punishment not to be so severe to an old as to a young offender? By no means so severe.—Do they ever show symptoms of distress and uneasiness as if the labour were severe? In some cases when diseased, and suffering under mal d'estomac, they seem to feel it acutely, and their labour is remitted by the physician; but in ordinary cases they feel it so little that I am obliged to exert my authority to prevent them from laughing and joking when at work.—Do you ever observe any symptoms of grief and despair amongst the prisoners as if they felt miserable in their confinement? I have occasionally seen an air of dejection in the free people, but have observed nothing of the kind amongst the slaves.—Is the picking of oakum a severe labour to them? No, it is not, they are only expected to pick four pound per day, when they do nothing else.

Wednesday, 9th February 1825.

THE HONble WILLm H. BURNLEY in the Chair.

Dr. *Elias Tardy*, M. D. sworn, and Examined.

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WHAT is your profession? I practise as a doctor of medicine, and am a member of the Royal College of Surgeons of London.—How long have you practised in this colony, and what is the nature of that practice? I have been in general practice since 1817, attending upon families as well as negroes upon estates.—Is your practice as a medical man upon estates extensive? Yes, I have generally under my care about two thousand negroes.—In regular attendance how often do you visit each estate? The distant estates once a week, those in my vicinity twice; but in cases of accident and sickness I attend as often as may be necessary.—Is it the usual custom amongst proprietors to contract for medical attendance upon estates by the year? It is very general, and those who do not engage me by the year engage me by the visit.—In any case then do you think it probable that the slaves of the quarters in your vicinity can suffer want of medical attendance? I do not.—Are you aware of any improvement which might be suggested to the proprietors of estates for the better care of sick negroes when in hospitals? I am of opinion that the interior of the hospitals might be greatly improved by having separate apartments for the different classes of sick, so that those who are seriously indisposed, or suffering under surgical operations, may be kept perfectly quiet: in no case should the hospital be made a place of punishment to confine the offenders in the stocks, which is now too frequently the case: the beds should be so arranged that the nurses can go round them, and in all cases a supply of palliasses should be ready, to avoid the delay which sometimes occurs in preparing them.—When you state that offenders should not be confined in the stocks in the hospital, do you mean to exclude the use of the stocks from the hospital altogether? No, I think in all cases a set of stocks an indispensable appendage to an hospital; negroes with sores and ulcers upon their legs caunot be depended upon to remain within doors, nor can those who are addicted to eating dirt be restrained unless confined.—Are you aware of any other improvements which can be suggested? I know of none; I never in any case met with a want of medicine or proper necessaries, and my recommendations and prescriptions, as far as the owner is concerned, are invariably attended to.—From your observations, have you ever had occasion to suspect that slaves when complaining of sickness are kept at work, and prevented by the owner or manager from going to the hospital? I do not believe that it ever occurs; for whenever a slave complains of sickness, although doubts may exist as to his veracity, he is generally put into the hospital until I can examine him; and it not unfrequently happens that I turn them out as requiring no attendance.—What are the prevailing diseases which affect slaves in this colony? Pleurisies and inflammation of the lungs, diarrhœa and dysentery, inflammatory and bilious fevers, mal d'estomac and anarsaca, worms, ulcers, chigoes, yaws, ruptures, miscarriages, wounds and injuries, and the venereal.—Do you ascribe any of these diseases to the labour imposed upon them, either in its quality or quantity? I cannot conceive that in any case it arises from overwork; and on sugar estates, which are the most laborious, there is no department which can be considered prejudicial to the health but that of the firemen.—Do you then consider the business of a fireman unhealthy? I do not consider the labour in itself to be unhealthy with proper prudence and attention; but this can rarely be expected from negroes; and as they frequently expose themselves when in a profuse perspiration to currents of air, more diseases result from this employment on estates than any other.—To what other causes, then, do you principally ascribe the diseases you have detailed? Diseases of the lungs almost entirely arise from dancing, drinking, bathing whilst hot, sleeping on the ground when intoxicated, and walking great distances at night, to which causes I also attribute the prevalence of bilious and inflammatory fevers; ruptures arise from dancing and carrying heavy burthens, and from neglect in infancy by their mothers; miscarriages I also impute to excess in dancing, fighting, dissipation and incontinence, and not unfrequently, I am persuaded, from drugs purposely taken; mal d'estomac, dysentery and diarrhœa, arise from intemperance in drinking;

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ulcers and chigoes from sloth, filth and dirt; and wounds and injuries, in ninety-nine cases out of a hundred, from riotous quarrelling amongst themselves.—Are the Committee then to understand, that the greatest proportion of the diseases of slaves arise entirely from their own misconduct, and not from the effects of the climate, or the work of their masters? Certainly I am of that opinion; the labour of a field negro cannot be severe, for frequently domestics prefer going into the field, and I never knew one previously accustomed to field work who was not dissatisfied at being brought into the house. I always expect to find the hospitals full on Monday morning, arising from their dissipation, or their labour on their own account on Saturday night or Sunday; it would be endless for me to enumerate cases of their wilful imprudence, by which their diseases are aggravated or rendered fatal under the effect of particular medicines: it is absolutely necessary to confine them at night; no dependance can be placed on their care of themselves. A case occurred lately with a negress belonging to Mr. Joseph under my care, who had an inflammation of the lungs, for which a blister was applied upon the chest; she was strongly cautioned not even to allow her feet to get wet, and two days afterwards, in crossing the river, I found her sitting naked in it with the blister still suppurating; it would be impossible to enumerate to the Committee the numberless cases of similar thoughtlessness which have come under my observation.—Do they generally show so much feeling and attachment for each other that they can be safely entrusted with the care of each other when in sickness? No, they do not; I would not trust a child to the care of its mother; I state this from many facts which have come under my observation; were it not for the care and attention of their masters and mistresses before and after delivery, a very considerable portion of the slaves born would perish before twelve months old; they would suffer not only from the neglect, but frequently from the barbarity of their mothers; as a proof of which I beg to mention the case of a wench named Polly, belonging to the Golden Grove estate, who was confined in the hospital from sickness, and at her own request was allowed her child, a little girl of four or five years old, to keep her company; the child took some of her mother's provisions out of her calabash, who finding she would not desist after several boxes on the ears, deliberately took the child by the hair of the back part of the head, and with a fire stick with which she had been cooking, burnt off both her lips which caused the death of the child; this is the most atrocious case I know; but minor acts of cruelty and barbarity to their children occur frequently.—Have you ever been called in to attend upon slaves suffering from the effects of severe floggings? I have seen slaves incidentally in the stocks who had been punished with a flogging, but have never been obliged to prescribe in such a case even a dose of salts: from all my observation I believe the punishments inflicted are so mild as not to prevent a slave from immediately proceeding to his usual work, and that the confinement in the stocks was solely intended as an additional punishment.—Which of the instruments for inflicting punishment do you consider the severest? I think the cow-skin is the most severe, the cat-o'-nine-tails less so than the cartwhip. In what part of England have you practised as a physician? I practised fourteen years in London. —From your observation and practice, please to state to the Committee what is the difference in the care and trouble which devolves upon the master and mistress in London when their servants fall sick, and that which under similar circumstances devolves upon masters and mistresses in this colony? In London when a servant falls sick, if it is likely to be a serious case, they are removed to an hospital or infirmary, and the masters and mistresses have no trouble or care of them, whilst in this country a domestic is attended upon as one of the family; without the personal attention of the master and mistress many of them would die: I know instances of devoted attention by ladies to their sick domestics, acting in the capacity of sick nurses, which in London would hardly be credited.—Can you attribute any part of the mortality to the want of a sufficiency of food, or to an improper mode of feeding the negroes? Not to any want in the quantity or defect in the quality of the food, but the health of many of them, I am convinced, suffer from their eating it partially raw; from their indolence and laziness they loiter away their time instead of cooking their dinner, and then take their salt fish and plantains into the fields slightly broiled upon the coals; and amongst other causes of mortality which I omitted to state to the Committee, I have observed that a great proportion of the young children die of worms, which I attribute to the trash and unripe fruit they are permitted to eat, and to their food being improperly cooked; in all cases I should recommend their being taken away from their mothers and placed under

This will be enquired into.

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the charge of a person whose duty it should be to take care of them and to prepare their food.—Do you then consider that it would be more advantageous to the health of the negroes to have their food cooked for them? To the description of negroes I have attended to I am certain it would.—Are you at all acquainted with the system pursued in Barbadoes? I have been in that island but am not well acquainted with the system pursued upon the estates.—Do you think that the quantity of salt fish we give our negroes tends to affect their health and to create sores and ulcers? Geneally I think it is the best food they can get, and what they prefer to all other; in some particular cases of cutaneous diseases it is advisable to diminish the quantity of salt food.—Do the negroes appear to suffer from the effects of work at the end of the crop season? They are invariably in better health at the crop than at any other period.—Are you an owner of an estate, or do you hold a share in any estate in the colony? I have not the slightest interest in any estate in the colony, and own only five domestics from mere necessity, arising from the impossibility of hiring them.

Tuesday, 15th February 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

William Steuart, Esquire, sworn, and Examined.

WHEN did you arrive in this colony? I think about 1792, but I hardly recollect the exact date; I know it was previous to the insurrection in Grenada, from which island I came to this.—Were you resident any considerable time in Grenada previous to coming here? Yes, several years; before which I was at Nevis, and have been altogether fifty-one years in the West India colonies without ever leaving them.—What trade or profession have you followed during that period? With the exception of ten months I have followed no other business but that of a sugar planter.—Have you served in every capacity as overseer and manager, as well as proprietor? I have, and also as attorney.—In what quarter of the colony do you now reside? In Savanne Grande.—Is your residence near the settlement of the American refugees? I am placed almost in the centre of them.—Have you not some superintendence over them? I am assistant superintendent under Mr. Mitchell.—What duties does this office impose upon you? I am expected to take a regular ride once a week round all the villages, to see that all is orderly and quiet; that they are attending to their cultivations; to call the roll when they turn out; to report absentees without leave to Mr. Mitchell; to ascertain from the corporals and serjeants if any offences have occurred, and report offenders to Mr. Mitchell.—Have you any authority to punish offenders without reference to Mr. Mitchell?—I never exercised any authority beyond putting offenders in the stocks, when Mr. Mitchell was not in the quarter; when he is there I send them to him.—Have you resided amongst these people since their establishment? Yes; but not as assistant superintendent, which office I have held only for three years.—What space of ground do these villages cover? I cannot say exactly; they do not lay in a straight line; I do not think it possible to ride round the whole in one day; it takes at least four or five days to make a minute inspection and examination into the state of the villages.—The Committee have been given to understand that you have settled one if not two sugar estates by the labour of these free people? No, I cannot say that information is correct; I began to settle the estate called Broomage, (which I have since sold to Mr. Brown,) in 1815, prior to the arrival of the Americans, and received very little assistance from them until the crops of the estate were established.—What is the name of your present estate; and did you not commence it in the expectation of carrying it on exclusively with free labour? The name of my estate is "*Who's Afraid*;" I commenced it in 1819, but certainly under no idea of carrying it on with free labour alone; I was in possession at that time of about fifteen negroes, and having money due to me from the sale of the Broomage estate, I intended to purchase more. I certainly expected assistance from these people in cutting wood, &c.; but I think a man would be mad to expect to carry on a sugar estate by any free labour which I have had an opportunity of knowing.—What are the principal difficulties and impediments to such an undertaking? You can place no dependence upon them; when you most want their services they are most likely to fly off and leave you, without

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giving any reason.—Have you upon the whole found their services useful in assisting your slaves to settle your last estate? I have not; the first trial I made of them I contracted with a party to cutlass brush wood, burn it off, and plant it in canes; they got unfortunately about 50 dollars in my debt, and went off with all my axes and cutlasses, which I had some difficulty in recovering by application to Mr. Mitchell.—Did you not recover your 50 dollars by the same means? I did not even attempt it.—Who was the contract made with, the labourers individually, or with a headman for the rest? The general rule is to make a contract with one, who is supposed to be responsible for the others.—Has this responsible man no property on which to levy in the event of a breach of trust or contract? So little that no man would incur the trouble and expense of a suit for the chance of recovering from him.—Are you then of opinion, with the experience you now possess, that a sugar estate cannot be carried on by the labour of these people? I think it impossible; in fact I have given up the attempt to cultivate sugar on the estate I last settled from the disappointments I received from them, and am now planting coffee only.—What is the condition of these labourers compared generally with slaves upon estates? Taking them generally they are not so comfortable and well off as slaves.—Do you consider them to be improving gradually in their circumstances? I think some individuals are; but as the absentees are increasing, I think the value of the whole cultivation has diminished.—How are they in their moral habits and conduct compared to slaves in general? Taking them collectively, they are a better informed, more intelligent people than our slaves, who consist mostly of Africans; if the latter were allowed as much liberty as these Americans I do not think they would behave themselves as well.—Do they drink more rum generally than slaves upon estates? They do, because slaves are kept more under control.—Do you think that disputes and broils occur more frequently amongst them? I do, from the same cause.

John Lamont, Esquire, sworn, and Examined.

HOW long have you resided in this colony? Twenty-two years.—What is your calling or profession? I am a sugar planter.—Are you practically conversant with that business, or do you employ a manager? I am practically acquainted with the business, having been solely employed in it for that period; first as overseer, then as manager, and now a proprietor of two sugar estates, with three more under my superintendence as attorney.—Do you think yourself competent to answer any questions relating to the management, discipline, habits and dispositions of negro slaves? I think I am, with reference to slaves in the colony of Trinidad, having never been in any other.—In the course of your business as a planter, have you been in the habit of availing yourself of the services of free labourers in the colony, and in your opinion what is the value of these services? I have frequently employed them; with an ample command of slave-labour no one could advantageously employ them, except in cutting down forest trees, and even that could be cheaper performed by slave-labour, but for the risk of accidents; our gangs, however, being generally limited in number, they are frequently found useful in assisting to cut canes and fuel wood, and to brush land.—Do they perform any of these labours better than slaves? The peons are very expert axemen, from continued practice; canes they cut very slovenly; no man would employ any other than slaves in this work, if he had them; the second growth of canes much depending upon the care with which the first are cut.—Are they ever in the habit of hiring themselves out as boilermen or firemen? Never, to my knowledge; I consider that however limited a planter's strength might be in slaves, he would always place them in situations requiring steady attention, and only hire free labourers for the most ordinary occupations, on which he could not suffer so much by their desertion of their work.—Your general experience, then, does not lead you to expect from them a steady application? Never.—Do these opinions apply generally to all the free labourers; namely, Americans, Peons and Indians? Generally to the whole of them.—Amongst these different classes which do you consider to be the most useful? There are two classes amongst the Peons, those who are established in hired residences, and those who are vagrants; the fixed peons are by far the most useful, and most to be depended upon.—From whence do the peons originally come? From the neighbouring provinces on the Spanish Main.—In what quarter of this colony do you reside? In South Naparima.—Are you not commandant of that quarter, and is it not expected that these peons should always

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always report themselves to you? I have filled the situations of acting commandant and commandant for about nine years, and it is an order of government that free labourers of every description report themselves to the commandant on entering the quarter.—In making your annual returns of the amount of the free population, how do you make up the returns? I ascertain the number of labourers settled on the King's land, of which there are only a few, the greater number are on private lands, and every proprietor is obliged in the month of December to report every free person fixed upon or working at the time on his estate, which returns are accumulated, and sent to the office of the commissary of population.—Then the returns so made out do not exhibit the natural increase or decrease of the free labourers in your quarter? Of the fixed residents only, the others appear and disappear so frequently that it is impossible to obtain a correct return of their births and deaths; the return given in exhibits the actual number in the month of December, but may not be correct for any other period of the year; for the facility of communication with the Spanish Main is so great that it is impossible to prevent a clandestine intercourse with it.—Do you then think it impossible to prevent our slaves from deserting to the Spanish Main if they were so inclined? The whole British navy could not prevent it.—The Committee observe in your return of the manumitted slaves resident in your quarter, given in to the commissary of population in March 1824, that their number then amounted to ten, all of which are described as good characters; do you mean that they are honest, industrious and sober? I take them to be honest, knowing nothing to the contrary; industrious, compared to our free population; and sober in the same proportion.—You then consider the manumitted slaves in your quarter superior to the free labourers? To the general class of free labourers, certainly.—What is the cause of this difference? Because most of them have purchased their freedom by their industry and saving habits; and the others were gratuitously freed by their owners, in consequence of long and faithful services.—Are manumitted slaves then generally to be depended upon to support themselves afterwards with honesty and sobriety? I think they are generally, having acquired fixed habits, and arriving usually at the middle period of life before they can purchase their freedom; notwithstanding which, I know several instances of slaves who were industrious and well-behaved previous to acquiring their freedom, who afterwards fell into contrary habits, were principally supported by the charity of their old fellow-slaves, and died from the consequence of intemperance.—Amongst the well-disposed sober slaves who have purchased their freedom, do they generally amass property afterwards? Very rarely; out of the ten returned for our quarter two only have accumulated money enough to enable each of them to purchase a child, and they enjoy the advantage of residing upon their former master's estate, where they have their houses and grounds, and cultivate what land they please, free of rent or taxes.—How does it happen that a slave, with a very limited portion of time to himself, so frequently accumulates more money than he can do afterwards when perfectly free? One cause arises from the preference given by the master in the purchase of provisions and stock raised by his own slaves; in the next place, he is in every respect provided for in health and in sickness by his master, so that whatever he makes is clear gain, without any deduction.—Their industry is principally in acquired habit; and when freed from the control of the master they gradually give up the practice of it, and indulge in greater expenses.—From the general character of slaves, what proportion of them could be advantageously paid in money in lieu of their provisions and clothing? Not above one fourth or one third at most of the adult population of the best gangs I am acquainted with, could be so trusted; and the adoption of such a plan would be positively injurious to the rest, who, from their imprudent habits, would sell their fish and provisions for an inadequate price, and suffer in consequence. In this way we find the vicinity of free labourers injurious to our estates.—How are negroes generally fed in this colony? They are allowed three pounds and a half of salt fish from the proprietor; their ground provisions they are generally expected to furnish for themselves, for which purpose they have the Sunday in every week, half a day in every week out of crop, and four holidays, which time is allowed by law, and they have as much ground as they can cultivate.—Are you of opinion that the time allowed by law is amply sufficient for the purposes required? Certainly; for numbers of them are enabled by these means alone to purchase their freedom; but I forgot to mention that they have other opportunities every day, when performing task-work, of gaining one, two, and even three hours, to attend to their own concerns, without including the time allowed to them for necessary meals.—The Com-

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mittee have been informed by a medical gentleman, that he considers the Barbadoes plan of feeding the negroes by an allowance of ground provisions, as well as fish from the store, and cooking them one meal in the day, as the best, on the ground that slaves generally are too improvident to be left to take care of themselves; are you acquainted with this plan, and what is your opinion on the subject? It is necessary to adopt it partially on every well regulated estate, for children, convalescents, and those who are too negligent to be trusted to take care of themselves. I should suppose that from one fourth to one third of the adults would be benefited by this treatment.—You are not then of opinion that the plan would answer for the slaves universally? I am sure it would not; the better class of our slaves would be indignant at such treatment, and would consider the enforcement of it an act of grievous tyranny; so much is it considered a degradation, that it operates as a punishment, and is the means of sometimes exciting emulation amongst the idle.—As you stated that task-work afforded some advantages to the slaves, we wish to know whether it is much adopted on sugar estates in your quarter? Very generally.—How long has the practice existed? It was practised on a few estates for several years past, and has continued gradually to gain ground.—In what branch of labour is task-work found most advantageous? In every species of field work.—What are the principal advantages derived from it? In getting the work done sooner, and apparently more cheerfully, as it affords the industrious part of the gang more time to themselves.—How many classes do you divide the workers into, so as to apportion the labour to their strength? I divide the adults into three classes.—Will the extent of labour apportioned for one day, on the weeding of a cane piece, answer for every other day in the year? Certainly not; it depends upon a variety of circumstances; the state of the weather, which sometimes so materially alters in the same day as to render a new calculation necessary; the age of the canes, the nature of the soil, which varies materially even in small distances, and the growth of the grass and weeds to be eradicated.—Can you depend upon this task-work being performed well and faithfully without superintendence? No; on the contrary, task-work requires more minute and constant superintendence than gang-work, from the natural tendency to hurry over the work as quickly as possible.—Do you find generally that planters are much prejudiced against novel improvements? On the contrary they are generally too eager in adopting every thing which holds out a chance of improvement; witness the unsuccessful experiments made every day; no expense is spared in adopting improvements and machinery to facilitate labour.—How are canes carried to the mill in your quarters? Generally on mules backs; for in consequence of the inequality of the surface, carts can be used to advantage only in a few situations.—Are canes ever carried on negroes heads to the mill? Certainly not; it would be impossible to carry on the work of our estate by such a process.—Are you of opinion that instead of the expensive plan of a set of sugar works and distillery for the exclusive use of each estate, that one set could be centrically established, so as to answer advantageously for three or four estates? On the contrary, it has been found most advantageous, as creating a saving of labour, to put up two sets of works on the same estate, which obviates the necessity of distant carriage, as well as night-work; and unless the distillery adjoins the boiling-house there would be a considerable loss, independent of the labour of transport, by the skimmings becoming acid, and before they could be set up.—What is the general ratio of work in the sugar manufactories of your quarter? The average work is from ten to twelve hogsheads of thirty-six inch truss per week, in the height of the season.—How many gallons of liquor does it require to make this quantity of sugar? From two thousand to two thousand six hundred gallons of liquor.—What description of mills have you upon the estates in your quarter? Cattle mills altogether, with the exception of one steam-engine and two windmills.—What time will it take with a cattle-mill to grind two thousand or two thousand six hundred gallons of liquor? When every thing is in proper order, it can be done in twelve hours.—You state that it can be done in twelve hours; but what is the ordinary time that it does take in the usual state of mills? Should it exceed thirteen to fourteen hours, we consider that there must be a defect in the machinery or management calling for an immediate remedy.—As you have stated that planters eagerly catch at improvements, it is probable that the steam-engine established in your quarter will induce the erection of many others? From our experience we are not disposed in this colony to consider a steam-engine an improvement upon a cattle-mill; it takes a considerable quantity of fuel, which is expensive where coals can be procured, and in the interior, where wood only can be used, becomes

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at last extremely laborious; there is little saving of stock, because a double set of mules for carrying canes is necessary, from the rapidity of its work, which keeps the people incessantly employed, whereas the time taken to change the mules in a cattle-mill allows a pause in the monotony of the labour.—But do not these pauses in the labour tend to retard the work, and to keep the slaves employed later at night than where a steam-engine is worked?—Most certainly, if you pretend to make as much sugar with one cattle-mill as with a steam-engine; but as the rate of labour in a mill can only be proportioned to your means of boiling off the liquor, it has been found more advantageous in this colony to put up two cattle-mills and two small sets of works on different parts of an estate in the midst of the cultivation, rather than erect a steam-engine to supply one large expensive establishment; and in this way I know as a fact that an estate in this colony can do more without working later at night than with a steam-engine.—Does the management of a sugar estate require much system and foresight? I know of no business requiring so much system and industrious attention; in many parts of the work plans must be laid two or three years beforehand, and more mischief may be done in one year than can be remedied in three.—Do you cultivate any other produce upon your estate but sugar? Nothing else, with the provisions necessary to feed my negroes.—Is there no rotation of crops which could be advantageously adopted? I know of no crops which would pay so well as sugar, even in these times.—You do not then think that corn would pay as a cultivation? I am sure it would not upon a sugar estate; upon an agricultural property alone a rotation of crops might answer, but with our manufacturing establishments it could never answer, as the capital of all the machinery would be laying idle if sugar were not continually cultivated; as it is, we are almost always obliged to reteach our negroes at the commencement of every crop what they had practised the preceding.—Do you know of any estate where corn and cattle are raised only? It would be impossible to raise corn and cattle on the same estate, from the careless indifference of our labourers; to a certainty the whole of the corn would be eaten up by the cattle, unless fences were made at a cost beyond the value of the crop; corn is raised only by small settlers at a distance from estates stock, but as a profitable cultivation on a large scale I think it would never answer.—Looking at the negro character generally, do you consider honesty to be an ordinary quality amongst them?—There are some exceptions, but generally we do not expect to find honesty in a negro.—Are they honest among themselves, with regard to each other's property?—I think they are, and they hold an individual who steals from his fellow slaves in the greatest aversion; they will use every means, direct or indirect, with the greatest rancour, to injure him.—Would the same slaves denounce a thief who had stolen from their master?—Not readily; when these things are discovered, it is generally in consequence of a dispute between the parties.—In the exceptions you have alluded to with respect to honest negroes, were they the most intelligent and best informed of the gang? In many cases they were.—Do you expect to find more honesty in proportion to the intelligence of a slave; for instance, are the Creole slaves more honest than Africans? They have more pride, which prevents their stealing openly; they may be more crafty, but I would as soon trust the slaves generally as the lower class of people in the manufacturing towns in Great Britain.—When provisions are planted by the master for the sole use of the slaves, can he hope to reap them without placing a watchman over them? It is always necessary to place a watchman over them.—Do you usually give a watchman a gun or other fire arms, for the purpose of shooting trespassers upon provision grounds? No; the watchman may sometimes have a gun, for the purpose of driving away birds, or to kill the wild animals that injure the provisions; he is usually armed only with a cutlass, which he is strictly ordered never to use but in self defence.—Have you ever heard of steel traps or spring guns being set for the protection of property?—Never; the interest of the proprietors forbids an expedient by which more property might be sacrificed than what they intended to protect.

Tuesday, 22d February 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

J. B. Littlepage, Esquire, sworn, and Examined.

Extracts from Minutes of Evidence before Committee of

HOW long have you resided in this colony? Since the 9th of January 1799. —What office do you fill at present? I am harbour-master.—How long have you acted in that capacity? Since 22d November 1821.—Is there much intercourse between the colony and the Spanish Main? Yes, much with the adjacent provinces. —What is the nature of it, and in what manner is it conducted? Principally in small open undecked vessels called launches, which bring mules, cattle, cotton, indigo, cocoa, corn, poultry and plantains, and occasionally money.—Does this trade appear latterly to be increasing? Yes, I think it has within the last eighteen months nearly doubled.—What do they usually carry back in return? Dry goods and rum, with a few articles of iron and hardware.—Do you keep any return of the quantity of rum exported in the Spanish launches? Yes, I have brought with me a return of the quantity exported last year, which amounts to three hundred and forty-nine puncheons by the office books, but from my personal observation I am convinced that the quantity actually taken away by the launches exceeds that amount by one third.—What motive can those people have for concealing the quantity exported? None that I know of; there is no duty on the export here, but being all smugglers they habitually prefer concealing their operations.—Is much Indian corn imported into this colony from the Main?—A considerable quantity, I should think at least one half of the island consumption.—Can they afford to sell it so cheap as to exclude the importation of corn here from every other part of the world? I think they ought to be able to do so; but there is a regular import of corn to some extent from the United States of America.—Are you aware that there is a considerable migrature of a class of people called peons annually to this colony from the Spanish Main? I am.—Do they come in the same vessels that bring cattle and colonial produce? The greatest number of them do, they work their passages up for the purpose of coming here to labour.—Do you keep a return of the numbers of these peons coming and going from the colony? I keep a return of those who report themselves upon their arrival here, but this is very incorrect, as a great number land clandestinely along the coast; and as to their departure, I really do not know how or when they return, as they never present themselves at all; they always go clandestinely; and I have known several instances of their stealing canoes, and sometimes carrying off slaves belonging to the island with them.—Would it be possible to adopt any regulations to prevent these clandestine movements of the peons? It would be impossible; the Spanish Main is so near, the sea so calm, that open boats may land upon any part of the coast, and no naval force in the gulph could prevent it.—Do you keep a return of all the passengers who enter and leave the colony? Yes.—Do you consider this return to be a correct one? Yes, I consider the return of the passengers to be correct, by which I mean passengers in all vessels who report at the custom-house, which does not of course include the launches from the Spanish Main.—Can you state to the Committee the number of white males and females who annually arrive in those vessels, and leave the colony, to enable them to ascertain as near as may be the numbers of each sex who ultimately remain to settle in the islands? I can for the time I have been in office, and have brought a return for the years 1822 to 1824 both inclusive, showing the

arrivals of white males - - - - - - - - - -	984	
Departures of d° - - - - - - - - - -	687	
		297
Arrivals of white females - - - - - - - - - -	170	
Departures of d° - - - - - - - - - -	144	
		26

leaving a remainder of two hundred and ninety-seven males and twenty-six females left in the colony during those three years.

Tuesday, 1*st March* 1825.

THE HONBLE WILLM H. BURNLEY IN THE CHAIR.

Edmonstone Hodgkinson, Esquire, sworn, and Examined.

Council of Trinidad, on the Negro Character.

WHAT official situation do you fill in this colony? Commissary of population and acting surveyor-general.—How long have you held these offices? Since July 1818.—What are the different classes of population in this colony as distinguished in the annual returns of your office? Whites; free coloured persons, which includes free blacks; Indians and slaves.—Is the population of the settlements of disbanded soldiers and American refugees included under the general head of "free coloured"? It is.—How are these returns made up by you? They are made up by combining the different returns received from the commandants of quarters and alcades de barrio.—From your knowledge of the mode in which these returns are framed by the commandants, do you consider them in all cases to be accurate, as showing the exact state and number of the existing population? I do not think they are correct, although more so than previous to November 1820, when a proclamation was issued by his Excellency the governor, requiring greater exactitude in the returns made by the inhabitants to the commandants, and ordering the same to be made upon oath.—Why do you then suppose that these returns are not now perfectly correct? I have generally observed a great unwillingness on the part of the lower orders of free people to give the information required, which renders it impossible for the commandants in all cases to be correct.—In a return signed by you on 13th June 1822, of the population of this colony from the years 1812 to 1821, and laid before the House of Commons, there appears to be a great variation in the annual numbers of the "free coloured class;" do you impute this variation to the cause you have just stated? No, I impute it principally to the flux and reflux of emigrants of colour from the Spanish Main, arising from the alternate success of the contending parties in the revolutionary war, which invariably drove the weakest into this colony.—As the Indian population is not affected by these causes, do you consider the returns respecting them to be perfectly correct? I consider the returns of the Indian population which are made by their corregidors, who reside with them and over them, to be correct since the year 1818.—Have you framed an abstract of the returns made out in the early part of last year by the commandants and alcades de barrio, intituled "Labourers born Free," and "Manumitted Slaves"? I have.—Has this abstract been transmitted to the Colonial Office? I believe it was forwarded early in December last.—Did this abstract contain any explanation showing in what respect the labourers differed in their habits from English labourers? It contained only a statement of the property they possessed, and their character is given by the commandants in those returns.—Have you by you the returns of the population since 1821? Yes, I have brought them with me.

N. B. The following is a copy of the paper handed in by Mr. Hodgkinson.

	Whites.		Coloured.		Indians.	
	Males.	Females.	Males.	Females.	Males.	Females.
1822	1,864	1,477	6,411	6,981	440	453
	4,341		13,392		893	
1823	1,920	1,466	6,383	6,964	429	443
	3,386		13,347		872	

Wednesday, 2d March 1825.

THE HONBLE WILLM H. BURNLEY IN THE CHAIR.

Doctor *R. Garcia*, sworn, and Examined.

Extracts from Minutes of Evidence before Committee of

OF what profession are you, and how long have you resided in this colony? I am a lawyer, and have resided here since 1813.—What did you practise previously? After I had completed my studies at the university of Caraccas, I practised in that city for some time, and was then appointed "teniente gobernador," and "auditor de guerra," of the province of Guiana, in which situations I was ultimately confirmed.—What were the particular duties which attached to these employments? As teniente gobernador I was a magistrate presiding over the tribunal of First Instance, with civil and criminal jurisdiction; as auditor de guerra I was also a judge in military matters, and the legal adviser of the captain general.—Do you consider yourself well acquainted with the laws which regulated the discipline of slaves in the province of Venezuela previous to the year 1810, when the revolution broke out in Caraccas? As an advocate it was my duty to be well acquainted with them.—Can you state to the Committee the days and holidays allowed by law to the slaves in Caraccas, on which they were not obliged to work for their master? Besides the Sundays in the year, the slaves were not obliged to work on the 1st and 6th of January, the 2d of February, the 25th of March, the 24th and 29th of June, the 25th July, the 15th August, the 8th September, 1st November, and 8th, 25th and 26th December, which thirteen days were called the "dias de precepts," besides which they had the four moveable feasts of Pascua, Pentecostus, Ascension and Corpus Christi.—Were the slaves obliged to work for their masters on every other day in the year except on the seventeen you have enumerated, and the Sundays? On every other day in the year they were obliged to work for their masters.—Did this rule apply to house servants? No; they were obliged, in their domestic capacities, to serve every day in the year.—Was there any law regulating the value of a slave at which he could purchase his freedom?—Yes, there was a tariff established by authority, regulating the value of slaves in cases of manumission.—Was this tariff higher or lower than the prices at which slaves could at the time be purchased? Generally they were the same prices.—Are you acquainted with the term "coartado" as applied to a slave? Yes; "coartado" means a slave who has agreed with his master as to the price which he is to pay for his manumission, and has paid a part of the same, after which he cannot be transferred by his master to any other owner.—Was it optional on the part of the master to enter into this contract or not? Entirely optional.—Was there any law at Caraccas which permitted a slave at his option to buy a portion of his freedom, and enjoy a similar portion of his time, until he paid the whole of his value by instalments? There was no law to that effect.—In effect, was there any custom of the kind at Caraccas? I have heard of such a case, but it was rare.—Was it a prevailing custom at Caraccas to allow a slave to work out as he pleased at such labour as he preferred, and to be master of his own actions, paying only to his owner a certain sum or hire at stated periods, as agreed upon between them? It may have happened, but I do not recollect a single case.—Had you any officer in the province of Caraccas with duties similar to that of our guardian protector, to whom the slaves could apply for redress against their masters? We had a syndico procurador, protector of slaves, but not vested with such full powers as the guardian protector in this island.—Are you acquainted with the royal cedula of 1789, regulating the treatment of slaves? I am.—Was it ever acted upon, or considered to be in force as a law at Caraccas? I was too young to recollect the reception of this act, but I have every reason to think that it was never acted upon; and I know that it was suspended by another royal cedula, as stated in "Teatro de la Legislacion Universal de España e Indies," vol. 12, page 156.—In general were you acquainted with the nature of the produce cultivated by the proprietors of estates in the province of Caraccas? Not well; I believe they principally consisted of sugar, cocoa, coffee, indigo and cotton —Were these estates principally cultivated by slaves? Indigo was manufactured principally by free people, coffee and cotton by slaves, but with the assistance of peons in time of crop; sugar and cocoa was cultivated in general by slaves alone.

Wednesday 9th March 1825.

THE HON^BLE W^M H. BURNLEY IN THE CHAIR.

St. Hilaire Begorrat, Esquire, sworn, and Examined.

Council of Trinidad, on the Negro Character.

HOW long have you been a resident in this colony? Since April 1784.—In what capacity or line of business? As a merchant, on my first arrival, for three years; since then I have followed the business of a planter, first in the cultivation of coffee, and since 1795 of a sugar estate, and I am now proprietor besides of a cocoa estate, which I have settled in Oropuche.—Were there many sugar estates established in this colony on your first arrival? There were but two which could be termed sugar estates; there were some small establishments called "trapiche," which manufactured a low description of sugar denominated "papelone," from which the molasses was not extracted, and was wrapped up in a piece of dry plantain stock, generally in forms of about three pounds weight.—Did the island at that time manufacture a sufficiency of sugar for its own consumption? By no means; the greatest quantity consumed came from the other islands, and some of these papelones from the Spanish Main.—Have you any recollection or idea of the number of slaves at that time in the colony? I am sure that on my arrival in 1784 they did not amount to one thousand.—As the Committee find that at the time of the capture of the island in 1797 the slaves amounted to about ten thousand, how and by whom was that large number introduced? A great many were introduced by the house of Barry and Black, English merchants, from the islands of St. Vincent and Grenada, and the revolutionary troubles in Martinique in 1792, brought an emigration of between three and four thousand slaves into this colony with their proprietors.—During the period between 1784 and 1797 have you any recollection of any Spanish vessel bringing slaves into this island direct from the coast of Africa? No, not one; several Spanish vessels from the Havannah came here to take slaves away which had been imported by Barry and Black, and some from Laguira for slaves for Caraccas.—Have you ever been in the province of Caraccas? I was there in 1781, and remained about six months in the provinces of Caraccas, Cumana and Barcelona.—Had you any opportunity of seeing the estates and cultivation of those provinces? Yes, I had many opportunities of seeing sugar and cocoa estates, and the establishments called hatos for the rearing of cattle.—How were these sugar and cocoa estates cultivated, by slaves or by free labourers? Altogether by slaves, with assistance occasionally from peons in cutting down woods, precisely as we employ them in this colony.—Did you in no one instance meet with an estate cultivated by free labourers entirely? Not one, and from general inquiry then and since, I do not think there could have been any estates worked by free labourers alone.—Have you any recollection of the prices of slaves at that time in Caraccas? Yes, the price of an able bodied slave was from 300 to 350 dollars.—Do you think that the peons or free labourers were more numerous and easier to be procured at that time on the Spanish Main than at present? I cannot say from ocular observation, but have no doubt, from what I have heard and what I know of the late revolutionary wars in these provinces, that the free population must be greatly thinned since.—Have you ever met with any cases in which house servants have preferred quitting their employment to engage in field labour? I have heard of many cases of slaves who in preference left their domestic occupations to become field slaves.—To what do you attribute this preference? They enjoy more liberty and independence as field slaves.—Have you ever met with field slaves brought by necessity into the house, who wished to continue in that service? Never, they are unhappy until they return again into the field; they do not like to remain under the eye of the master. Did you ever act as commandant of the quarter in which you reside? Yes, for three years.—From your experience whilst in that office, what proportion of the disputes and quarrels which occur amongst the slaves and free labourers relative to property or otherwise do you think are settled by the commandants, compared to those which go before the ordinary tribunals? The disputes of slaves were generally settled in my time by the owners; as to the differences amongst the peons, not one in fifty were settled by the ordinary tribunals, they cannot possibly attend to them? Is the cocoa estate you have settled at Oropuche in the neighbourhood of the disbanded soldiers who have been established at Cuaré, in that part of the country? It is about five or six miles distant from them.—Have you availed yourself

Extracts from Minutes of Evidence before Committee of

self much of their labour in the cultivation of your estate? I never tried them, for many of my neighbours who made the experiment did not find it answer.—In general are they not employed by the planters in the neighbourhood? I believe in a very trifling degree.—Do you pass through their settlement on your way to your estate? There are two roads, one passing through their settlements, which I occasionally take.—What is the general appearance of their villages, do they seem to be in a state of comfort and prosperity? Their appearance is most miserable, particularly in the two furthest settlements, where their huts are huddled together without order, and many of them in a state of decay.—What is the general appearance of their cultivation? Their cultivation is as miserable in appearance as their dwellings; I passed through the settlements in September last when the rice crop was coming on, which is the only cultivation they have worth speaking of, and I am sure the whole crop of the three settlements would not exceed two hundred barrels in the husk; the people look healthy, but are apparently most indolent and lazy, as I always see them laying about in every direction, whenever I pass through the villages.—What does their rice generally sell for in the husk? From three to four dollars per barrel.—In the general demeanour and conduct, do the neighbouring inhabitants find them quiet and orderly? Yes, they are very generally quiet, and seem to prefer staying at home.—What is the general appearance of the interior of their houses, as to useful furniture and domestic utensils, compared to the houses of slaves? Some of them are better furnished than our negro houses, but taking them collectively they are not at all equal to them.

Friday, 11*th March* 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

John Lamont, Esquire, again called in; and Examined.

ARE you of opinion that the temptation of gain arising from a high price of sugar generally induces a master to work his slaves harder than when the price is low? I am sure that it can have no such effect, for such is the intense application, both mental and corporeal, on the part of the proprietor who manages a sugar estate, that when his income is increased by high prices, it is in human nature that he should relax in some degree in his exertions; and as to the fact itself, a reference to the records in the office of the commissary of population will show whether we made more sugar in this colony with a larger slave population during those years when produce was at the highest than we do at present.—In your official situation as commandant of the quarter, have you not on many occasions become acquainted with the concerns and management of estates belonging to bankrupt proprietors? Yes.—Under such circumstances were the slaves ever subjected to privations from want of food or necessaries? No, under the regulations of the colony this could not occur, the merchant having been guaranteed until lately in the payment of the necessaries required by the slaves, so that the bankruptcy of the master in no shape affected the security of the debts incurred for their maintenance and support, either in health or sickness.—As commandant of the quarter, have any aggravated cases of severe punishments ever come before you? Not one case during the nine years in which I have filled the office of commandant and acting commandant over a slave population of above two thousand.—Have you ever met with any instances in which domestic slaves preferred quitting their employment and working in the field? Many.—Do you ever meet with a slave brought up to the field, who from some particular necessity was obliged to serve for a time as a domestic, who would voluntarily remain in that employment? I have met with such cases, but they never remained voluntarily in the house.—To what do you attribute this general preference to field work? Because they are under less restraint, and have more command of their time, with better opportunity of making money; so that house servants rarely acquire their freedom but by gift or bequest, whilst the field slaves most frequently purchase it.

Wednesday, 16*th March* 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

Henry St. Hill, sworn, and Examined.

Council of Trinidad, on the Negro Character.

HOW long have you resided in this colony? Nearly ten years.—What offices do you fill? I am public treasurer and commandant of the quarter of Mucurapo. —As treasurer, do not the expenses relating to the establishment of the free settlers pass through your office? I know only the amount of the expenses relating to the free Americans and the apprenticed negroes from Sir A. Cochrane's estates, but the detail of the expenditure I am unacquainted with, and the pay of the disbanded soldiers is entirely managed by the commissariat.—What is the total amount of expenditure incurred for the free Americans up to the present period? It amounts to 34,078*l.* 8*s.* 7*d.* currency, on the 31st day of December last, when the accounts were made up.—What is the present annual expenditure on their account? It amounts for the last three years to 1,287 *l.* 3*s.* 7*d.* currency per annum.—How is this expense defrayed? By bills drawn by his Excellency the governor upon the Lords Commissioners of His Majesty's Treasury.—What is the amount of the expenditure incurred for the African apprentices who were on Sir A. Cochrane's estates, and are now under the superintendence of Mr. Peschier? The whole amount drawn upon the Lords Commissioners of His Majesty's Treasury to the present day is 530*l.* 6*s.* sterling, or 1,305*l.* 9*s.* 8*d.* currency.—Have you no document in your office showing the expenditure of the disbanded black soldiery? None.

Edmonstone Hodgkinson, Esquire, again called in; sworn, and Examined.

THE Committee wish to know the relative quantity of sugar produced in this island in the years 1815 and 1816 and 1817, when that article bore the highest prices compared with 1821, 1822 and 1823, when it was at the lowest? I have brought the return with me, and it appears that the average crops of sugar in this colony, amounted in the first three years to twenty-three millions nine hundred and ninety-four thousand one hundred and fifty-four pounds, and in the last three years to thirty-four millions five hundred and eighty-five thousand and four hundred and fifty-one pounds.—What was the difference in the number of slaves in the colony during these two periods? The average number of slaves in the whole colony from 1815 to 1817, amounted to twenty-four thousand six hundred and seventy-six, and during the last three years to twenty-two thousand six hundred and eighty-five.—Was there any considerable falling off in the crops of coffee, cocoa and cotton during the latter three years? The coffee and cotton crops have always been inconsiderable in this colony; in both these articles there was a falling off, but at the same time there was an increase in the cocoa crop much more than sufficient to compensate their deficiency.

Saturday, 9*th April* 1825.

THE HONBLE WM H. BURNLEY IN THE CHAIR.

William Wright, Esquire, sworn, and Examined.

HOW long have you resided in this colony? Above nine years.—In what capacity or profession? Until June 1818 I held a commission in the Royal York Rangers, when I retired on half pay, and commenced establishing a cocoa estate. —Do you hold any official situations in the colony? Yes, I was appointed corregidor of the Indian mission at Arima, in July 1818, and superintendent of the disbanded African soldiers of the 3d W. India regiment, in June 1819; both of which situations I still hold.—As superintendent of the disbanded soldiers, what are the principal duties which devolve upon you? To watch over their general conduct and encourage them in useful labour; to see that they keep a portion of the public road in repair, and to administer justice in minor cases occurring amongst themselves.—

Extracts from Minutes of Evidence before Committee of

selves.—Of what do these minor cases consist which you consider as coming under your cognizance as judge? Petty theft, quarrels and disputes, and assaults not extending to any serious injury.—Under what instructions do you exercise this jurisdiction? Instructions from his Excellency the governor.—Under these instructions what powers do you possess for the punishment of offenders? I exercise the power of imprisonment for petty offences; but in cases of theft, or more serious matters requiring corporal punishment, I assemble a court martial, consisting of two or three of the serjeants, and the culprit is judged by them.—Generally do they seem satisfied with this mode of decision? Yes, they do; but I have not been obliged to have recourse to it oftener than four or five times since I have been superintendent.—Are they then generally quiet and orderly in their behaviour? Yes, they are very much so; amongst themselves they are generally orderly and quiet; for the indifferent characters, who consist of about four, have absented themselves from the settlement; and I hold a certificate from the commandant of the quarter in which the settlements are established, dated June 1823, declaring that up to that period he had not received a single complaint from any of the inhabitants of the quarter against them.—At what period were they first settled, and what were their total number? They were first settled in June 1819; and their numbers consisted of two hundred and forty men, forty-one women, and twenty-nine children, making a total number of three hundred and ten.—Have they increased or decreased in numbers since that period? In February 1821, fifty-nine captured African women and one boy were added to the settlement; their total numbers by the last return are three hundred and fifty-five, showing a decrease of fifteen; but I think their numbers will now increase, as has been the case since December 1823, when the total number amounted only to three hundred and forty-nine.—Do these three hundred and fifty-five persons constitute the whole number at present at these settlements? They constitute the whole number settled at Cuaré; but there are five companies of the same regiment who were not disbanded until the 25th February last, amounting to three hundred and seventy-six men, thirty-five women and thirty-four children; making a total of four hundred and forty-five persons who are settled in the neighbourhood of Manzanilla, on the eastern coast.—How many villages are there in the settlement at Cuaré, and at what distance from each other? There are three villages on the banks of different rivers, laying in line, about three miles and a half distant from the first to the last.—How often do you visit these villages? Upon an average I do not visit them now above once in each month; but at the commencement I was obliged to visit them frequently; sometimes twice a week.—Under what authority or police are they kept during your absence? There are four serjeants and four corporals in each village, who retain their former rank and authority by instructions from his Excellency the governor. The men are still kept in companies as before they were disbanded, and the senior serjeant in each village has charge and authority over it.—To what extent do they exercise their authority during your absence? They have only power to imprison an offender until I have investigated the case, or to send him over to me under the charge of an alguazil.—Are the serjeants obliged to represent all these cases to you? All cases which require investigation and punishment; but in cases of drunkenness they can put the offender in the stocks, and liberate him when sober, without reference to me.—Are they much addicted to the drinking of strong liquors? The greater part of them are not; I should think about as much as amongst the same number of slaves.—What quantity of land has been granted to each individual? By the instructions, each individual with a family is allowed five quarrés, and those without families half that quantity.—Do they pay any tax or quit rent for this land? They pay nothing.—What assistance did they receive from the government at their first establishment? Temporary receiving houses were built for them in the first instance, and they received tools from government to enable them to erect others; they had soldiers rations for the first four months, and then three pounds and a half of fish and fifty plantains per week for eight months more.—Were they able to maintain themselves at the expiration of that period? No, they were not; the establishment having been commenced at an unfavourable season, which rendered it necessary to supply them with the ration of fish, without plantains, for about six months longer, at the end of which period they maintained themselves.—Have you had no applications for relief occasionally from any of them since? From none of them; they received about that time a blanket and a forage cap each, which are the last articles I delivered to them.—Do they continue to receive any pay or pension from the government?—

Council of Trinidad, on the Negro Character.

government? They have never received any pay or pension since they were disbanded.—Do they generally prefer working out for the planters, or cultivating their own grounds? About one half of them never work out, the remaining half upon an average do not work out above four or five months in the year; I think they give a preference to their own cultivations, as they do not work out as much as formerly.—What is the nature of the work generally performed by those who hire themselves out? They generally prefer and perform cutlass work, such as cutting down light brush, grass in the cocoa walks and in the savannahs, which they usually undertake by the job.—What proportion of high road are they obliged to keep in order? They formed and now keep in repair a road about five miles and a half in length, which constitutes a good bridle-road at all seasons.—Do you consider them generally to be of any utility or advantage to the planters in the neighbourhood? I think they have been of considerable utility to the settlers in the neighbourhood.—Have you had occasion to employ them upon your own settlement? I have occasionally five or six at a time, and found them work well.—Have you any slaves working upon your settlement?—I have a hired gang of twenty-six, of which about sixteen are working people.—Do you then find it more advantageous to hire slaves than to depend upon the free labour of these disbanded soldiers? I hired these slaves because I was not able to attend steadily to my settlement, in consequence of my being obliged to look after the disbanded soldiers at Manzanilla.—Are there any inhabitants or planters in the neighbourhood of the new establishment at Manzanilla? None nearer than Mayaro, which is about twelve miles distant.—Will these disbanded soldiers depend then entirely upon their own cultivation at Manzanilla? Entirely.—In what state are the settlers in the villages at Cuaré, with respect to the accommodation of their houses and their interior comforts, compared with the houses of slaves in general? In general their houses are much more spacious, comfortable and clean than the houses of slaves upon estates.—What does their cultivation consist of principally? They raise generally the vegetables of the country, but their principal cultivation is rice, some of them have planted coffee and cocoa trees.—How many coffee and cocoa trees are planted about the three villages? I cannot say, having yet taken no account of them, but propose doing so this year, previous to the next annual returns.—How manny barrels of rice do they raise during the year? From enquiry amongst themselves, I have reason to believe that they raised last year between three and four hundred barrels, of which they probably disposed of about one half.—Is this rice in the husk or cleaned? I mean in the husk; but what they sell they previously clean in a wooden mortar.—At what price does it sell in either state? In the husk it occasionally sells at 36 *s.* currency, the barrel, for seed; when cleaned, it sells at about seven dollars the hundred weight, retailed in small quantities, in which way they generally dispose of it.—Do you think it would be practicable to punish their offences by laying fines upon them instead of subjecting them to corporal punishment? Not at present, they have not been long enough settled, and not being habitual cultivators, have not yet generally acquired fixed properties, and I consider it would be discouraging to those who have.—What are the present numbers of the Indians at the mission of Arima? About two hundred and eighty.—Has there been an increase or decrease since they were placed under your charge? They have decreased.—To what do you attribute this decrease? Principally to the small-pox, which carried off between thirty and forty of the young people in the year 1819.—As labourers are they more or less useful than the disbanded soldiers? They are meeker in their dispositions; the elder ones drink more than the disbanded soldiers, but in this respect I think the younger ones are improving; about a year after I took charge of the mission, two schools were established, at one of which the boys are taught to read and write, and the common rules of arithmetic; and in the other the girls are taught to read and sew, with the most useful domestic occupations.—Can these Indians at the mission of Arima, or the disbanded soldiers under your charge, at any time quit their villages and settlements without your permission? The Indians cannot quit their mission for more than a few days, without leave obtained; the settlers are required to have written passes.—What was the amount of expense incurred in settling the disbanded soldiers at Cuaré, and from what fund was it defrayed? The accounts are kept by the commissariat department in Port of Spain, I am therefore not acquainted with the exact amount, but it must have been within the limitation assigned by the Right honourable the Lords of His Majesty's Treasury for this service.—What salary do you receive as superintendent of the two settlements at

Cuaré

Extracts from Minutes of Evidence before Committee of

Cuaré and Manzanilla, and from what fund is the same paid? For superintending the Cuaré settlements, 25*s.* currency per day, for superintending the Manzanilla settlement, 30*s.* currency per day, which salary is paid from the fund allowed for bearing all the expenses incident to these settlements in the hands of the commissariat department in Trinidad.

Señor Don *José Zepero*, sworn, and Examined.

HOW long have you resided in this colony?—Thirty years.—Whence did you come? From Havannah.—Do you recollect the nature of the treatment and discipline of slaves when in Havannah? When I first arrived here I was only a boy, but I returned in 1809, and remained there six years; I resided in the city of Havannah, and had every opportunity of ascertaining the treatment of the domestic slaves.—Did their treatment of their domestic slaves at all differ from the treatment of the same class in Spanish families here? Not in the least.—Had not the slaves at the Havannah some advantages in the mode in which they were permitted to acquire their freedom not practised in this colony? Yes, they had a practice there by which a slave wishing to purchase his freedom could make a bargain with his master for his price, and when he had paid a proportion of this price he was entitled to a similar proportion of his time, and so on until he had paid up the whole.—Was a slave who had made this arrangement with his master termed "coartado? He was.—Was the master obliged by law to accede to this arrangement at the request of the slave? It was entirely optional on the part of the master to enter into this agreement or not; but having entered into it, the law then bound him to the performance of it.—Was the value of the slave fixed by tariff or by appraisement? By neither; it was entirely a matter of private agreement.—When a slave had paid the fourth or half of his value, could his master sell him? Yes, he could assign over his agreement, and the "coartado" was bound to the same terms with his new master as with his previous owner.—Did the owners of slaves in the Havannah feed, clothe, and furnish medical attendance to them, as we do in this colony? Exactly in the same way.—How then was this contract managed when the "coartado" had paid up the half of any other proportion of his value, and acquired the half of his time; were the expenses of his maintenance and medical attendance divided between him and his master? The "coartado," in every case that I heard of, was of that class of slaves who are in the habit of working out on their own account, and maintaining themselves, paying to the master a certain fixed sum every month; he continued, therefore, the same practice, paying his master a proportionate share of this fixed sum, according to the amount of his value paid. With respect to medical attendance, that cost very little at the Havannah, compared to what it does in this colony; and as the contract was always voluntary on the part of the master to oblige a slave, I suppose that out of generosity he may have taken care of him when sick.—Did you ever hear of an agricultural slave becoming "coartado," working a portion of the week for himself, and the remainder upon his master's estate? I never heard of it; and I do not think it possible to make such an arrangement.—What produce do they principally cultivate at the Havannah? Principally sugar, some coffee, and a great deal of bees wax.—Is neither cocoa, cotton, nor indigo exported from thence? I believe little or none.—Were the estates cultivated by slaves, or by free people? Entirely by slaves; the estates were very large, consisting in general of three hundred to four hundred slaves; many had six to eight hundred each; and I knew one with one thousand.—Was the bees wax procured by the labour of free people, or by slaves? By slaves; and several of these establishments, I have been told, employed from three to four hundred slaves each.—Do you consider that a slave in the island of Cuba enjoys any advantage over a slave in this colony? None, with respect to his work or his time; but provisions there are much more abundant and cheap.—Had you any procurador, syndic or guardian, appointed for the slaves at the Havannah? None.—How then could the "coartado" obtain redress, should his master act unjustly towards him? The contract between him and his master was always made before an escrivano, who entered it in his protocol; and in the event of any difference between them, the "coartado" preferred his complaint before an alcade, who appointed an advocate to protect and defend him.

The Reverend *David Evans*, sworn, and Examined.

Council of Trinidad, on the Negro Character.

ARE the domestic servants in your establishment slaves or free persons? I have one free person, and three hired slaves.—Do you give a preference to hired slaves, or do you find a difficulty in procuring free persons? I prefer slaves, as they are generally more attentive to their work, and more obedient.—What wages do you pay these domestics? Eight dollars per month each, and find them.—Do they perform as much work as domestic servants in England? By no means; I think one servant in England would do as much as three here, and with much more comfort to the master and mistress of the family, who must in this colony attend to every thing.—How are the morals of the domestics here, compared to those in Europe? It is impossible to institute any comparison; nothing can be worse than the morals of the domestics here; they seem to have no idea of chastity; they are generally so dishonest that it is useless to discharge them on that account, as you cannot expect to find one better than another; they are not sober, and rarely tell the truth.—Do you consider it to be in the power of the masters and mistresses to correct them of these vices, by any trouble or effort on their parts? Little can be done with the present generation; by separating the infants from the mothers the next may be improved.

TRINIDAD NEGROES.

RETURN to an Address of The Honourable House of Commons, dated 12th June 1827 ; *for*

EXTRACTS

From the Minutes of Evidence taken by the Committee of the Council of *Trinidad*, for enquiring into the NEGRO CHARACTER.

Ordered, by The House of Commons, *to be Printed,*
14 *June* 1827.

479.

CONVENTION

BETWEEN

HIS MAJESTY

AND

THE EMPEROR OF BRAZIL,

FOR THE ABOLITION

OF

THE AFRICAN SLAVE TRADE.

Signed at Rio de Janeiro, November 23, 1826.

Presented to both Houses of Parliament, by Command of His Majesty,
1827.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

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THE AFRICAN SLAVE TRADE.

Signed at Rio de Janeiro, November 23, 1826.

WHEREAS, upon the separation of the Empire of Brazil from the Kingdom of Portugal, His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, respectively acknowledge the obligation which devolves upon Them to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal, for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil:—

And whereas, in furtherance of that important object, His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, are animated with a sincere desire to fix and define the period at which the total abolition of the said Trade, so far as relates to the Dominions and Subjects of the Brazilian Empire, shall take place, Their said Majesties have accordingly named as Their Plenipotentiaries to conclude a Convention for this purpose, that is to say:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Robert Gordon, a Member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil:—And His Majesty The Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhambupe, Senator of the Empire, of the Council of State, Dignitary of the Imperial Order of the Cross, Commander of the Order of Christ, and Minister and Secretary of State for Foreign Affairs;—and the Most Illustrious and Most Excellent Marquis of Santo Amaro, Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, Dignitary of the Imperial Order of the Cross, and Commander of the Orders of Christ, and of the Tower and Sword:—

Who, after having communicated to each other their respective Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

At the expiration of three Years, to be reckoned from the exchange of the Ratifications of the present Treaty, it shall not be lawful for the Subjects of The Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such Trade after that period, by any person, Subject of His Imperial Majesty, shall be deemed and treated as Piracy.

ARTICLE II.

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of Brazil, deeming it necessary to declare the engagements by which They hold Themselves bound to provide for the regulation of the said Trade, till the time of it's final abolition, They hereby mutually agree to adopt and renew, as effectually as if the same were inserted, word for word, in this Convention, the several Articles and Provisions of the Treaties concluded between His Britannick Majesty and The King of Portugal on this subject, on the twenty-second of January 1815, and on the twenty-eighth of July 1817, and the several Explanatory Articles which have been added thereto.

ARTICLE III.

The High Contracting Parties further agree, that all the matters and things contained in those Treaties, together with the Instructions and Regulations, and forms of Instruments annexed to the Treaty of the twenty-eighth of July 1817,—shall be applied, *mutatis mutandis*, to the said High Contracting Parties and Their Subjects, as effectually as if they were recited, word for word, herein; confirming and approving hereby, all matters and things done by their respective Subjects under the said Treaties, and in execution thereof.

ARTICLE IV.

For the execution of the purposes of this Convention, the High Contracting Parties further agree to appoint forthwith Mixed Commissions, after the form of those already established on the part of His Britannick Majesty and The King of Portugal, under the Convention of the twenty-eighth of July 1817.

ARTICLE V.

The present Convention shall be ratified, and the ratifications shall be exchanged at London within four months from the date hereof, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at Rio de Janeiro, the twenty-third day of November, in the year of our Lord one thousand eight hundred and twenty-six.

(L.S.) ROBT. GORDON. (L.S.) MARQUEZ DE S. AMARO.

(L.S.) MARQUEZ DE INHAMBUPE.

PAPERS

PRESENTED TO PARLIAMENT BY HIS MAJESTY'S COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY HIS MAJESTY'S GOVERNMENT,

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES AND ON THE CONTINENT OF SOUTH AMERICA.

[In continuation of the Papers presented in the Year 1826.]

PART I.—1827.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

SCHEDULE

Of Correspondence between Earl Bathurst and the Officers Administering the Governments in His Majesty's Possessions in the West Indies, and on the Continent of South America.

JAMAICA.

No.	Date. 1826.	SUBJECT.	Page.
1.	March 13,	Earl Bathurst to the Duke of Manchester, referring to the Resolutions of the House of Commons, and to the Measures recommended by His Majesty's Government in 1823, and to the Trinidad Order in Council of 1824, for the improvement and manumission of the Slave population; recommending his Grace to communicate to the new Assembly the unanimous concurrence of the House of Lords thereto: intimating his intention of forwarding to his Grace all the measures contained in the said Order, classed under separate heads, accompanied by such explanations as may be necessary, with a view of placing in a clear light the effect of the provisions which have been misunderstood; and urging that proper steps should be taken for carrying them into effect — — — — —	1
2.	March 13,	Earl Bathurst to the Duke of Manchester, signifying His Majesty's pleasure that the Assembly should be dissolved, and requesting his Grace to use his own discretion as to the time — —	2
3.	April 12,	Earl Bathurst to the Duke of Manchester, notifying the impossibility of transmitting by the then Mail the Instructions promised in his Dispatch of the 13th ult., and signifying that they should be forwarded by the Jamaica Mail at the commencement of the ensuing Month —	3
4.	May 29,	Duke of Manchester to Earl Bathurst, acknowledges the receipt of No. 3, and intimates his intention of summoning the Legislature at an early period, to lay before them the Instructions referred to in his Lordship's Dispatch of the 13th March — — —	*ibid.*
5.	May 11,	Earl Bathurst to the Duke of Manchester, incloses the substance of eight Bills, classing under separate heads the provisions of the Trinidad Order in Council, for improving the condition of the Slaves, with such modifications as have been introduced by subsequent enactments, also Copies of Official Correspondence between his Lordship and the Governor of Trinidad on that subject; requests his Grace to lay the same before the Law Officers of the Crown within his Government, and that as soon as they shall have adjusted the shape in which those measures can be brought forward he will introduce them to the consideration of the Legislative Council and Assembly (Eight Inclosures) — — —	*ibid.*
6.	June 12,	Duke of Manchester to Earl Bathurst, Extract of Dispatch, acquainting his Lordship that he had that day dissolved the House of Assembly, and had directed Writs to be prepared for the calling a new Assembly	24
7.	June 28,	Duke of Manchester to Earl Bathurst, acknowledging the receipt of No. 5, and it's Inclosures; stating that Copies thereof had been prepared and transmitted to the Law Officers of the Crown, and that he should use his utmost endeavour to ensure a favourable reception by the two branches of the Legislature of the several important objects which he is intrusted to submit to their consideration —	*ibid.*
8.	Oct. 16,	Duke of Manchester to Earl Bathurst, inclosing Copy of his Speech to both branches of the Legislature at the opening of the Session, also Copies of Addresses from the Council and Assembly to his Grace, and his Message sent to the Assembly on the 12th instant, together with a Document containing in substance all the provisions of the eight Bills which accompanied his Lordship's Dispatch of the 11th of May last; also transmitting Drafts of the Bills altered and adapted to the usages of the Colony; and stating that his Message had been referred to a Committee of the whole House (Thirteen Inclosures) —	*ibid.*

No.	Date.	SUBJECT.	Page.
9.	1826. Nov. 13,	Duke of Manchester to Earl Bathurst, inclosing Copy of Message from the House of Assembly, in answer to a Communication made by his Grace on the 12th ultimo; stating that a Committee of thirteen had been appointed to revise the Consolidated Slave Law, and a Sub-Committee of seven nominated, who had gone through the said Law, and had made many alterations, embracing in the proposed Act several of the propositions of His Majesty's Government; and intimating that there appeared to be no disposition for the appointment of a Protector and Guardian of Slaves, nor for the regulation of punishments (One Inclosure) — — — — —	59
10.	Dec. 23,	Duke of Manchester to Earl Bathurst, Extract of Dispatch, informing his Lordship that the Council and Assembly had finished their public business; inclosing Extract from his Speech on the prorogation of the Assembly; stating that a Bill had been passed for revising the Consolidated Slave Law, and inclosing an Analysis of such Bill, together with Copies of such Clauses as are entirely new (Three Inclosures)	60
11.	1827. Jan. 8,	Duke of Manchester to Earl Bathurst, transmitting an authenticated Copy of the Act, intituled "An Act to alter and amend the Slave Laws," passed in the last Session (One Inclosure) — —	69
12.	Jan. 8,	Duke of Manchester to Earl Bathurst, Extract of Dispatch, stating that by the abolition of fees and expences on Bills granting privileges, the Free Population had been very materially benefitted — —	102

APPENDIX.

	1825. Dec. 31,	Duke of Manchester to Earl Bathurst, inclosing Copy of a Bill "to enable Slaves to give Evidence in certain Cases, and under certain Restrictions" (One Inclosure) — — —	*ibid.*

BAHAMAS.

1.	1826. March 13,	Earl Bathurst to Officer Administering the Government, referring to the Resolutions of the House of Commons of 1823, to the Act of the Legislature of 1824, and to the Measures recommended by Government, for consolidating the Slave Laws; and stating his intention of sending out all the Measures of the Trinidad Order in Council, classed under separate heads — — — —	107
2.	June 3,	President Munnings to Earl Bathurst, acknowledging the receipt of No. 1 — — — — —	108
3.	May 21,	Earl Bathurst to Officer Administering the Government, inclosing the Copy of Eight Bills promised in No. 1; desiring that a Copy of them, as well as the Dispatch itself, may be transmitted to the Law Officers of the Crown within his Government, in order to prepare Drafts of Bills for giving full effect to the wishes of His Majesty's Government, and requesting that as soon as the shape is adjusted in which they can be brought forward, he will introduce them to the consideration of the Legislature (Eight Inclosures) —	*ibid.*
4.	Aug. 29.	President Munnings to Earl Bathurst, acknowledging the receipt of No. 3, and Inclosures, and stating that he had issued a Proclamation for proroguing the Assembly to the 10th of October — —	127
5.	Nov. 1.	President Munnings to Earl Bathurst, transmitting Copy of his Speech at the opening of the Session, of the Addresses of the Council and of the House of Assembly, also his Answer thereto; notifying that he had caused Eight Bills to be prepared agreeably to his Lordship's Instructions, and inclosing Copy of his Message to the Assembly founded thereon (Six Enclosures) — — —	128
6.	1827. Jan. 8,	President Munnings to Earl Bathurst, inclosing Copies of Eight Bills brought by the Attorney-General before the House of Assembly, embracing the Measures contained in the Trinidad Order in Council; stating that they had been referred to a Select Committee, but rejected by the House; and that by a recommendation of the Committee a Bill was afterwards brought in and passed to amend the Consolidated Slave Act (Eleven Inclosures) — —	132
7.	Feb. 6,	President Munnings to Earl Bathurst, inclosing Copy of a Report by the Attorney-General and Solicitor-General on the Slave Melioration Bills brought before the Assembly in the last Session (One Inclosure)	195

BARBADOES.

No.	Date. 1826.	SUBJECT.	Page.
1.	March 19,	Earl Bathurst to Officer Administering the Government, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order, classed under separate heads — — — —	197
2.	May 21,	Earl Bathurst to Officer Administering the Government, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieutenant-Governor of Demerara, with instructions how they are to be introduced to the consideration of the Legislature — —	198
3.	Sept. 5,	Lieut.-Gen. Sir H. Warde to Earl Bathurst, Extract of Dispatch, transmitting Copy of his Address to the Legislature (One Inclosure) —	200
4.	Oct. 4,	Lieut.-Gen. Sir H. Warde to Earl Bathurst, transmitting Copies of his Correspondence with the Solicitor-General, on the subject of his Lordship's Dispatch of the 21st of May, and stating that it was expected a new Slave Amelioration Act would pass the House of Assembly (Five Inclosures) — — — —	*ibid.*
5.	Oct, 24,	Lieut.-Gen. Sir H. Warde to Earl Bathurst, transmitting Copy of a Bill (No. 1.) "For consolidating and bringing into one Act the several Laws relating to Slaves," with observations thereon; also Copy of an Act (No. 2.) "For the encouragement of Baptisms and Marriages amongst Slaves, and for the due observance of the Sabbath, &c."; together with an Act (No. 3.) "To remove pecuniary impediments to the manumission of Slaves, and to extend the benefit of testimony to Free Persons manumitted not according to the Laws of this Island, and to repeal Acts and parts of Acts relating thereto" (Twenty-eight Inclosures) — — — — —	203

PAPERS

RESPECTING THE

SLAVE POPULATION IN THE WEST INDIES,

&c. &c. &c.

JAMAICA.

No. 1.

My Lord, *Downing Street, 13th March* 1826.

WHEN I had the honour of communicating to your Grace the resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of Jamaica, some of the measures which his Majesty's government recommended for improving the condition of the Slave population.—In 1824 I had the honour of communicating to your Grace a copy of the Trinidad Order in Council, containing, with the others, the further measures which his Majesty's Government considered it to be their duty to propose for carrying into effect, in his Majesty's Colonies, the Resolutions of the House of Commons. The measures recommended in these communications provided,—First, for the improvement of the condition of the Slave population.—Secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing your Grace to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance, that it should be left for them to proceed in such a manner as might appear to them advisable for taking all these several measures under their consideration. Your Grace has since then twice called the attention of the assembly to these measures, and has at last had the painful duty to inform me that you are afraid there is no hope of persuading the present House of Assembly to do any thing effectual on the subject.

I consequently have to convey to you, in a separate despatch, his Majesty's commands for their dissolution.

You will, on addressing yourself to a new assembly, have to communicate to them the unanimous concurrence of the House of Lords with the

resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this assembly in a more distinct shape, I shall take an early opportunity of sending out to your Grace all the measures contained in the Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clear light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Jamaica.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the assembly, so that the assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The new assembly will thus be placed in full possession of all which his Majesty's government contemplate for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable his Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object.

If your Grace should have it in your power to announce to me that the council and assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you his Majesty's allowance of these Bills, to congratulate you and the legislature of Jamaica, on the establishment of a system both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament.—Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the report of the Commissioners of legal inquiry, who, as your Grace is aware, are now employed for that purpose, in the examination of the constitution and practice of all the courts of justice in the Island.

I have, &c.,

(Signed) BATHURST.

His Grace The Duke of Manchester,
&c. &c. &c.

No. 2.

My Lord, *Downing Street, 13th March* 1826.

YOUR Grace having, in your Despatch of the 22d December, 1825, informed me, that "you are afraid after so many repeated trials, that there is no hope of persuading the present House of Assembly to do any thing effectual for the relief of the Slaves," I am to signify his Majesty's pleasure, that the present Assembly be dissolved, and your Grace will exercise your discretion as to the period when this necessary measure shall take place.

I have, &c.

(Signed) BATHURST.

His Grace the Duke of Manchester,
&c. &c. &c.

No. 3.

My Lord, *Downing-Street, 12th April* 1826.

IT has been found impossible to transmit by the present mail theinstructions which I have given you reason to expect in my despatch of the 13th ultimo.

At the same time these instructions are already so far prepared, as to enable me to inform you with certainty, that they will be transmitted by the Jamaica mail at the commencement of the ensuing month, and you will not fail to summon the Legislature, for the consideration of the various important points which are therein involved, at as early a period as will be compatible with the convenient attendance of the members.

I have, &c.,

(Signed) BATHURST.

His Grace The Duke of Manchester,
&c. &c. &c.

No. 4.

My Lord, *King's House, Jamaica, 29th May* 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked circular, of 12th ultimo, stating that your Lordship proposes to transmit to me by the mail of this month, the instructions referred to in your Lordship's despatch of 13th of March last. And I shall not fail to summon the legislature for the consideration of the various important points which are therein involved, at as early a period as may be compatible with the convenient attendance of the members.

I have, &c.,

(Signed) MANCHESTER.

The Earl Bathurst, K. G.
&c. &c. &c.

No. 5.

My Lord, *Downing Street, 11th May* 1826.

IN my despatch to your Grace dated the 13th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to your Grace all the measures contained in the Order in Council for improving the condition of Slaves in Trinidad, classed under separate heads.

I now enclose the substance of eight Bills, in which will be found all the provisions of the Order in Council of the 10th of March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments. These eight enclosures are to be thus classed. First:—The Office of the Protector and Guardian of Slaves. Secondly:—The Admission of the Evidence of Slaves in Civil and Criminal Cases. Thirdly:—The Manumission of Slaves. Fourthly:—The Intermarriage of Slaves. Fifthly:—The Observance of Sunday, and the Abolition of Public Markets on that Day. Sixthly:—The Acquisition of Property by Slaves, and the Establishment of Savings Banks for the better Protection of it. Seventhly:—The Separation of Families under judicial Process. And, Eighthly:—The Punish-

ment of Slaves, with the Record to be kept of such Punishments when inflicted by the Authority of the Owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them, from the rules originally promulgated in the Order in Council of the 10th of March, 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant Governor of Demerara. From the perusal of that correspondence your Grace will learn the views which have been taken by his Majesty's government of the various objections which have been successively urged against the different provisions of the Order in Council, and will perceive what parts of that law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, on so comprehensive a subject, enactments which are to have their operation in Jamaica. I am aware also, that upon some of the topics comprised in these enclosures, the wishes of his Majesty's government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, perhaps, be impracticable to frame, with safety, new legislative provisions, on the same or similar subjects.

In transmitting, therefore, to you, the enclosed papers, I do not propose them as drafts which could be passed without a careful revision, nor probably, without some material alterations. My object in this communication has rather been to explain anew, under separate heads, and in the fullest manner, the measures which his Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of Jamaica may effectually imbody these principles, and give effect to those intentions, however much such laws may depart from the enclosed papers in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject, to the law officers of the crown within your government, transmitting to them a copy of this despatch, and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of his Majesty's government as explained in the enclosures. In performing this duty, they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the colony in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you, in writing, every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the legislative council and assembly. It is almost superfluous to remind your Grace of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the council and assembly, as to afford no reasonable cause for any jealousy, or complaint on the part of those bodies. Upon this subject your Grace will exercise your own judgment with all the advantages to be derived from your long and intimate acquaintance with the established usages of the colonial legislature.

Your Grace will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying those intentions of his Majesty's government into effect; and at the conclusion of the session, you will report to me, in reference to each clause contained in each of the enclosures of this despatch, the reasons which may prevent the adoption of

any of those clauses, distinguishing with precision, what parts of the whole have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, your Grace will, at the same time, transmit to me copies of such previous enactments.

I have thus once more directed your attention to this most important subject; and I cannot close the present despatch without again reminding your Grace that his Majesty's government will feel the most lively interest in the result of the deliberations of the legislative council and assembly in the ensuing session. I am not disposed to anticipate the continued rejection of enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before his Majesty, Acts of the assembly of Jamaica, fully carrying into effect the spirit of the various provisions, which, by his Majesty's commands, I have now the honour to transmit to your Grace.

I have, &c.,

(Signed) BATHURST.

His Grace the Duke of Manchester,
&c. &c. &c.

Heads of a Bill for establishing within the Island of Jamaica an Officer to be called "The Protector and Guardian of Slaves."

Clause 1.—There shall be hereafter, within the Island of Jamaica, an officer to be called "The Protector and Guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and such appointment shall be made by a warrant to be issued under his Majesty's signet and sign manual.

Clause 2.—In the event of the death of the said protector and guardian of Slaves,—or of his resignation—or of his bodily or mental incapacity—or of his removal or suspension from office—or of his temporary absence from the island—the governor shall appoint a proper person to act as the deputy protector or guardian of Slaves until his Majesty's pleasure shall be known.

Clause 3.—The protector and guardian of Slaves shall at all times perform his duty in person, and not by deputy, excepting only in those cases in which the governor is expressly authorized to appoint a deputy for that purpose.

Clause 4.—The protector and guardian of Slaves shall, before entering on the execution of his office, take and subscribe before the governor, an oath in the following words; *viz.*, "I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves in the Island of Jamaica, without fear, favour, or partiality. So help me God."

"The same oath shall also be taken and subscribed by the deputy protector and guardian.

Clause 5.—Neither the protector and guardian of Slaves, nor any deputy, shall be the owner of any plantation within the Island of Jamaica or its dependencies, or of any Slave employed upon any plantation, or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon, any such plantation or Slave; and shall not be competent to act as the manager, overseer, agent, or attorney, for or upon any plantation in the island; nor as the guardian, trustee, or executor of any person having any such plantation or any Slaves. If the protector and guardian of Slaves shall acquire, or hold in his own right, or in that of his wife, or in trust for any other person, any plantation in the island, or any Slaves employed in any plantation, or in any kind of agriculture; or any interest in, or any mortgage or security upon, any such plantation or Slaves; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned, he shall thenceforth, *de facto*, cease to be protector and guardian, and forfeit his office.

Clause 6.—Provided that all the acts of the protector and guardian of Slaves, done after such forfeiture of office, and before the office is declared void by public notice in the Gazette of the island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

Clause 7.—The protector shall constantly reside within the island, unless he shall obtain a special leave of absence from his Majesty, or from the governor. The leave of absence shall never exceed [ ] at any one time, and shall not be granted by the governor, unless it shall be made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of Slaves.

Clause 8.—The protector and guardian of Slaves shall keep a public office in the [ ] of [ ], and shall attend there on such days, and during such hours of the day, as the governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his office.

Clause 9.—Some proper person shall be appointed by the governor in every parish of the island, to be the assistant protector and guardian of Slaves in that parish; and such assistant protectors and guardians shall, in their respective parishes, be assisting the protector and guardian of Slaves in the execution of the duties of his office; and shall carry into execution such lawful instructions as they may receive from him in reference to such duties: Provided that such assistant protectors and guardians of Slaves shall always be persons named in the commission of the peace for the county or parish in which they may be so appointed to act.

Clause 10.—The assistant protectors and guardians of Slaves shall hold such their offices during his Majesty's pleasure.

Clause 11.—The protector and guardian of Slaves, and his deputy and assistants, shall respectively receive their salaries in lieu of all fees and other emoluments; and any such protector and guardian of Slaves, his deputy or assistant, receiving any fee or emolument besides his salary, in respect of any act done by him in the execution of his office, shall incur a fine equal to [ ] the amount of what he may so receive, and shall become disqualified from holding such his office.

Clause 12.—In any prosecution commenced in any court of justice in the island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor; but if the trial shall take place at the distance of more than [ ] from the [ ] of [ ], the protector and guardian of Slaves shall direct the assistant protector and guardian, whose residence shall be most near to the place of trial, and who shall have no interest in the result of the prosecution, to attend and act as such public prosecutor; provided that this rule shall not extend to prevent the attorney-general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such prosecution.

Clause 13.—On the first Monday next after the 25th day of December, and on the first Monday after the 24th day of June, in each year, the protector and guardian of Slaves shall deliver to the governor a written report of the manner in which the duties of his office have been performed during the preceding half year, which report shall contain a statement of all prosecutions in which he or his assistants may have acted as the protector of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as are required by any other Acts of Assembly. to be stated therein; and the governor of the colony shall administer to the protector of Slaves an oath, that the report contains a true statement of the several matters therein referred to. As soon as the protector and guardian of Slaves has taken such oath, then, and not before, he shall receive from the governor a warrant for the amount of his salary for the half year next preceding the date of such report, which

report shall then be transmitted by the governor to one of his Majesty's principal secretaries of state.

Clause 14. –If the protector and guardian of Slaves, or any deputy or assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by any Act of Assembly he may be required to keep; or shall wilfully falsify any such book, record, or return; or make any false entry therein; or burn, cancel, obliterate, or destroy the same, or any part thereof; he shall incur a fine of not less than [ ] nor more than [ ]; or imprisonment for any time not exceeding [ ] nor less than [ ]; or both fine and imprisonment, at the discretion of the Court. And all such fines shall be recovered in the Court of King's Bench and Common Pleas of the island, and shall be divided equally between his Majesty and the informer.

Clause 15.—In the absence of the governor from the island, any person lawfully administering the office of governor, shall be competent to do all such acts as the governor is hereby empowered to do.

Clause 16.—The protector and guardian of Slaves, the deputy protector and guardian of Slaves, and the assistant protectors and guardians of Slaves, shall respectively execute and perform such duties as may be imposed upon, or required of, them respectively, by any Act of Assembly passed, or to be passed, in the present or any future session.

Notes on a Bill for establishing, within the Island of Jamaica, an Officer to be called "The Protector and Guardian of Slaves."

Note on Clause 1—The Order in Council for improving the condition of Slaves in the island of Trinidad, does not provide for the erection of a new office, because in that colony the procurador-syndic was already invested by the Spanish law with the office of guardian of Slaves. As there is no official protector of Slaves in Jamaica, it is necessary to make provision by law for the establishment of such an office. As the duties of the protector will be amply sufficient to occupy his whole time and attention, it would be highly inexpedient to follow the precedent of the Trinidad Order, by combining this office with any other at present existing in the island.

Note on Clause 2.—The Court of Policy of Demerara objected to imposing upon the deputy protector of Slaves the condition of not holding any plantation or any agricultural Slaves. In consequence of this objection, the governor was permitted to depart from the general rule on any special occasion, when he might be unable to find a person fit for the employment, and possessing this negative qualification. In Jamaica, it is hoped that a similar difficulty will not occur. The more extensive population of that island will always supply a competent deputy not engaged in agricultural pursuits.

Note on Clause 9.—In the Trinidad Order in Council, the guardian of Slaves is declared to be a magistrate, and is invested with powers similar to those of the commandants of quarters, and which he is to exercise throughout the whole of that island. In Jamaica it is unnecessary to make such a provision, as the governor will be instructed to place the protector and guardian of Slaves in the commission of the peace.

As there are not in Jamaica any officers whose functions correspond with those of the commandants of quarters in Trinidad, it seems necessary to leave to the governor the selection of the assistant protectors in the several parishes. He is, however, restricted in his choice to gentlemen in the commission of the peace, because this seems the best security for the appointment of persons of sufficient property and personal respectability.

Note on Clause 12.—The extent of the Island of Jamaica, and the variety of courts held there for the trial of Slaves, makes it necessary to delegate to the assistant protectors and guardians the duty of attending on all prosecutions which may take place at the distance of twenty miles from Kingston.

Heads of a Bill to regulate the Admission of the Evidence of Slaves.

Clause 1.—Every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within the island, and carrying on no other business or occupation with a view to profit there, except that of a schoolmaster, shall be authorized to transmit, or deliver under his hand, to the protector and guardian, or assistant protector and guardian of Slaves, of the parish in which he may be resident, certificates setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. The assistant protectors of Slaves of the several parishes, shall transmit such certificates to the protector and guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

Clause 2.—No priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or acting governor of the Island of Jamaica, shall grant to such priest, minister, or public teacher a written license to grant such certificates; nor unless such license shall continue in force at the time of signing the certificate, and shall have been registered in the office of the protector and guardian of Slaves.

Clause 3.—No person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in Jamaica, by reason of his or her being in a state of Slavery, if the person producing such Slave as a witness, shall also produce to the court a certificate, under the hand of the protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book.

Clause 4.—The protector and guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not.

Clause 5.—No person in a state of Slavery shall be admitted to give evidence in any civil suit, or action, in which the owner is directly concerned.

Clause 6.—No person in a state of Slavery shall be admitted to give evidence in any case where any white person may be charged with, or prosecuted for, any offence punishable with death.

Clause 7.—Nothing in this Act contained, shall extend to take away or diminish any power or authority which any court of criminal jurisdiction in the said colony now hath, to admit in any case the evidence of any persons in a state of Slavery.

Clause 8.—Nothing contained in the Act shall extend to render any Slave competent, in the law, to give evidence in any case, in which such Slave would be incompetent to give evidence, if he or she were of free condition.

Clause 9.—The protector and guardian of Slaves, in his half-yearly reports to the governor, shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, and to enable Slaves under certain restrictions to purchase their own Freedom.

Clause 1.—No duty, or tax, or fee of office, shall be paid in Jamaica, upon, or in respect of the manumission of any Slave, or the enrolment of

any deed of manumission, except a fee not exceeding[ ] sterling, which the protector and guardian of Slaves shall pay to the secretary and registrar of the island for enrolling every deed of manumission. Such fee shall be repaid to the protector and guardian of Slaves by the public treasurer out of any unappropriated money in his hands. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding [ ] nor less than [ ] sterling, to be recovered by bill, plaint, or information in the Court of King's Bench and Common Pleas, of the island, by any one who may sue for the same; and to be divided in equal moieties between his Majesty and the person so suing.

Clause 2.—If any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister, of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid.

Clause 3.—If the owner of such Slave shall be unwilling to effect his or her manumission,—or shall by reason of any mortgage, settlement, or lease, or other charge upon, or interest in, any such Slave, invested in any other person, be unable to execute a valid manumission of any such Slave;—or if the owner or any other person having interest in the Slave shall be a minor, or a married woman, or idiot, or lunatic;—or if the owner of the Slave is absent irom the island;—or shall not be known;—or if any suit or action shall be depending in any court of justice in the island wherein the title to such Slave, or the right to his services, shall be in controversy;—or if the owner of the Slave shall demand as the price of his freedom, any sum which in the judgment of the protector and guardian of Slaves, shall exceed the real value of such Slave;—then, and in every such case, the chief justice of the court of King's Bench and Common Pleas, on the application of the protector and guardian of Slaves, shall issue a summons requiring the owner or manager of the Slave to appear before him at some convenient time and place. Notice shall be published by the protector and guardian of Slaves in the public gazette of the island, on [ ] different days, of the time and place so appointed for the purpose aforesaid, and in such notice all persons having, or claiming, any interest in any such Slave, either in his own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

Clause 4.—At the time appointed for any such meeting, the chief justice in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before-mentioned notices, then if necessary) in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case any of the parties shall refuse to effect any such manumission;—or if it shall appear to the said chief justice that a valid manumission of any such Slave cannot legally be effected by private contract;—or that the owner of any such Slave, or that any person having any charge upon, or interest in him, or her, is a minor, or married woman, or idiot or lunatic;—or that the real owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island—or is unknown—or cannot be found—or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services is in controversy;—or if it shall appear to the said chief justice that any difference of opinion exists between the protector and guardian of Slaves, and the owner of any such Slave, respecting his or her price or value; then the said chief justice shall require the protector and guardian of Slaves, and the owner or manager of any such Slave, each to nominate an appraiser of his or her value; and the said chief justice shall himself nominate an umpire between such appraisers. And the said appraisers, being first duly sworn before the said chief justice, to make an

impartial appraisement, shall within [ ] days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the chief justice under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice within the said term of [ ] days, then the said umpire, being duly sworn in manner aforesaid, shall within the next [ ] days certify his valuation under his hand and seal, to the said chief justice; and the valuation to be made in manner aforesaid, either by the said joint appraisement, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island.

Clause 5.—Upon payment to the treasurer of the said island, of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of the secretary and registrar in the said island, together with a declaration under the hand and seal of the said chief justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed and taken to be, free to all intents and purposes.

Clause 6.—The money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the chief justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at the rate of [ ] per cent. per annum, such interest to be borne by and defrayed out of [ ]; and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, conditions, mortgages, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order, as the chief justice of the said colony, may, upon a summary application of any person interested therein, see fit to make; and such principal, money, and interest, shall, by the said treasurer, be paid and disposed of, in pursuance of, and obedience to, any such order.

Clause 7.—In all cases where an appraisement of a Slave shall be made, by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner, and the protector, and guardian, respecting the price or value of the Slave, the expenses of the appraisement shall be borne equally by, and divided between, the owner and the Slave proposed to be manumitted. In all cases where the appraisement is made, by reason of the inability of the owner to effect a valid manumission, by private contract; or by reason of the minority, coverture, idiotcy, or lunacy, of the owner; or by reason of the absence of the owner, or other person, having a charge upon the Slave from the island; or by reason that the owner is unknown, or cannot be found; or by reason of the pendency in any court of justice of any suit wherein the title of a Slave, or the right to his services is in controversy; then, and in all such cases, the expenses of the appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner. The portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment thereof, as aforesaid.

Clause 8.—Before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission; and the same shall, in all cases, be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed, shall, by such protector and guardian of Slaves, be enrolled in the office of the secretary and registrar in the said island, within one calendar month next after the date and execution thereof: and in case any such deed shall not be left for enrolment at the said office within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding [ ], nor less than [ ] sterling.

Clause 9.—In case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner, or other person, effecting such manumission, the Slave so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the commandant of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves, or to the commandant, as the case may be, that the Slave, about to be gratuitously manumitted, is under the age of [ ] years, or above the age of [ ]; or is labouring under any habitual disease, or infirmity of mind or body; the owner, or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his Majesty in the penal sum of [ ], with a condition thereunder written for the defeasance thereof, if the Slave shall be properly fed, clothed, and maintained, until the age of [ ] years, in the case of infants; or during the term of his or her natural life, in the case of adults of the age of [ ] years, or labouring under any such sickness or infirmity as aforesaid: and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed, and registered, and deposited, in the said office.

Clause 10.—In the half yearly returns to be made by the protector and guardian of Slaves to the governor of the island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

Notes upon Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, &c.

The preceding regulations respecting the manumission of Slaves have given rise to a protracted discussion between his Majesty's government, and the local authorities in Trinidad and Demerara. The progress of those discussions will be best learned by referring to the printed papers which have been laid by his Majesty's command before both Houses of Parliament. His Majesty's government have no intention to recede from the principles which have been advanced in the course of the official correspondence in question. A particular reference to a despatch to the lieutenant-governor of Demerara, of the 25th of February, 1826, will probably diminish, if it does not entirely dispel, the apprehensions which this part of the Trinidad Order in Council appears to have excited.

Note on Clause 7.—The regulations contained in this clause for dividing the expenses of the appraisement between the manumitted Slave and his owner, form an addition to the original Order in Council for Trinidad, and were introduced by the governor's proclamation to supply a defect which had been pointed out in the original order.

Heads of a Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.

Clause 1.—Slaves desirous to intermarry shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant protector and guardian of Slaves of the parish in which the woman may reside, for a marriage license, producing the consent in writing of their owners or managers to the celebration thereof.

Clause 2.—If the owner or manager of both or either of the Slaves shall refuse his consent to the marriage or shall not give his written permission for the celebration thereof, the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a summons requiring the owner or manager to appear before him at a time and place to be appointed for that purpose;—such time not being more than [ ] distant from the time when the application shall be received by such protector and guardian of Slaves, or assistant protector and guardian of Slaves. If the owner or manager fails to appear, or appearing fails to produce good proof that the marriage would be injurious to the well-being of the Slaves, the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a marriage license.

Clause. 3.—The licenses are to be issued without fee or reward, authorizing any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic Religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit except that of a schoolmaster, to solemnize the marriage of such Slaves. Provided that no public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, or a priest or curate professing the Roman Catholic Religion shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor, or acting governor of the island of Jamaica, shall grant to such public teacher a written license to celebrate marriages, nor unless such license has been registered in the office of the protector and guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage.

Clause 4.—It shall be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solemnized shall, to all intents and purposes, be valid, binding, and effectual in the law. Provided, that no such marriage shall confer on any such Slaves or their issue, any rights inconsistent with the duties which the Slaves owe to their owner, or to the government, or at variance with those rights which the owner and the government are by law entitled to assert and exercise over such Slaves and their progeny.

Clause 5.—Any person by whom any such marriage may be solemnized by virtue of any such license as aforesaid, shall, within [ ] next after the solemnization thereof, under a penalty of not more than [ ] nor less than [ ] transmit to the protector and guardian of Slaves at [ ] a certificate of the solemnization of the marriage; and such protector and guardian of Slaves shall register in a book, to be kept by him for that purpose, every marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode, of the parties contracting and of the persons solemnizing every such marriage.

Clause 6.—The Act shall not extend or be construed to render any marriage between persons in a state of Slavery valid and effectual, which would be illegal or void if such persons were of free condition.

Clause 7.—In his half yearly returns to the governor, the protector and guardian of Slaves shall include a statement of the number of licenses which may have been granted by him in the preceding half year, for the marriage of any Slaves, with the number of marriages solemnized in pursuance thereof.

Note on a Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in Law.

NOTE ON CLAUSE 4.—The provision, that the marriages of Slaves shall not invest the parties with any rights inconsistent with the duties which they owe to their proprietors, or to the government, was introduced into the law of Demerara in compliance with the wish of the court of policy, and is an addition to the Trinidad order in council.

Heads of a Bill for the Suppression of public Markets on Sunday, and for preventing Slaves being compelled to labour on that Day.

CLAUSE 1.—From the time when the Act shall come into operation, all persons of free condition, who on any Sunday after the hour of [ ] in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties, and forfeitures, as by any law in force within the realm of England, may be inflicted upon or incurred by any person offending therein in like manner; if the offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the clerk of the market, or any constable; and such goods shall be taken on the following day before any justice of the peace, who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows: (that is to say) one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct.

CLAUSE 2.—From the time when Sunday markets shall be totally suppressed, as after mentioned, the same punishments, penalties, and forfeitures shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or attending at any such market, at whatever part of the day called Sunday, the offence may be committed.

CLAUSE 3.—It shall be lawful for his Majesty by an instruction to be issued to the Governor of Jamaica, through one of his principal secretaries of state to direct the Governor of Jamaica, to issue in his Majesty's name, a proclamation for the discontinuance and suppression of all markets throughout the island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall cease and be absolutely unlawful.

CLAUSE 4.—The Act shall not extend to prevent the dressing or selling meats in inns or victualling-houses, or the sale of fish or milk;—provided, that such sale shall not take place in any city, town, or parish during the hours appointed and set apart for the celebration of Divine Service therein. The Act shall not extend to prevent the sale of medicines during any part of the Sunday.

CLAUSE 5.—In every city and town throughout the island, wherein markets are by any usage or supposed prescription now holden on Sunday, markets shall be henceforth holden on [ ]; and the proprietors of any such market-places, and all persons resorting thereto, shall on each [ ] have, exercise, and enjoy the same rights, in respect of such markets, and shall receive and pay the same tolls and dues as have hitherto been exercised, enjoyed, received, or paid by or to any such persons in respect of any such markets or market-places on Sunday.

CLAUSE 6.—If any person shall work or employ any Slave between the hours of ten at night on any Saturday, and sunrise on any Monday, or shall during that period, procure, induce, or compel any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending shall incur a fine not exceeding [ ] nor less than [ ].

CLAUSE 7.—If any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night, and sunrise on

Monday morning, for wages or any other consideration, the person so hiring any such Slave shall incur the penalties before mentioned.

Clause 8.—The preceding rules shall not extend to any labour performed by any Slave on Sunday in the necessary attendance on the person, or in the family of his owner or employer, nor to labour performed in the necessary preservation of the cattle or live stock, on any plantation, nor to labour performed by Slaves as watchmen on any estate, or in nursing or attendance on the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage or injury to the property of his owner or employer. And no Slave so employed by his owner or employer on Sunday, shall be entitled to any hire or wages for such services.

Clause 9.—In any case where it shall be absolutely necessary, for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, the Act shall not extend to prevent any Slaves from hiring themselves either to their owner or to any other person, to perform such necessary work on that day. Provided that no Slave may be hired by any person except the owner to perform even such necessary work as aforesaid, on the Sunday, except with the written consent of the owner, and also provided that the protector and guardian of Slaves of the island shall publish a notice in the public Gazette on the 25th day of December, and the 24th day of June, or as soon after those days as any such Gazette may be published in each year, in which notices shall be stated in the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work, for the special purpose before mentioned; and such notices shall state the different rates of wages according to the age and sex of the Slaves, and according as they may be field Negroes or artificers. No hiring of any Slave on the Sunday, for any such special purpose shall be a legal hiring, or exempted from the penalties of the law, unless such Slave shall actually receive and be paid for his own use and benefit, wages of not less than the rate so to be fixed by such public notice.

Clause 10.—No Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily and shall receive such wages as before mentioned.

Notes on the Bill for the Suppression of Sunday Markets, and for preventing Slaves from labouring on that Day.

Note on Clause 1.—The penalties which it is proposed by the preceding Clause No. 1., to inflict upon free persons dealing or attending at any public market, are the same as are denounced by the law of England against the same offence. In Trinidad the governor is authorized to impose penalties by his proclamation. It is scarcely necessary to observe, that in a colony where the law of England prevails, this portion of the Trinidad code could not properly be introduced.

The same clause, however, ascertains the punishment when the offence is committed by Slaves, because this is a case to which the law of England would be inapplicable.

Note on Claue 4.—The permission to sell milk and medicines on the Sunday is a relaxation of the rule not to be found in express terms in the Trinidad proclamation, but which is obviously required by the spirit of the law.

Note on Clause 5. As it is not certainly known whether markets may not have been habitually held in Jamaica on Sunday, upon land belonging to some private person or corporation, it seems necessary to provide for the exercise in such market-places, on some other day of the week, of any rights which by practice and usage have hitherto been exercised there on Sunday. It has never been suggested that any such private rights existed in Trinidad, and therefore the Order in Council for that Island is silent on the subject.

NOTE ON CLAUSE 6.—The power of employing Slaves until the hour of *ten* on Saturday night, is an alteration made in consequence of the representations received from Trinidad, and a modification of the original order.

NOTE ON CLAUSE 7.—The express prohibition of Slaves *hiring* themselves out to labour, was introduced by the proclamation issued in his Majesty's name in Trinidad, to explain the supposed ambiguity of the original order on this subject.

NOTE ON CLAUSES 8 and 9.—The particular occasions on which Slaves might be employed to labour on the Sunday, are specified in this Clause, in the terms of the Proclamation mentioned in the preceding Note. It is to be observed that a distinction has been maintained both in Trinidad and Demerara, between the occasional and the habitual exigencies of the plantation. When the necessity of labour on Sunday habitually recurs, as in the case of labour undertaken for the preservation of the crops, there it is required that the Slave should receive wages. Where the labour is only occasional and accidental, as in the case of interments, hurricanes, &c., there the Slave is required to work without wages.

These Clauses suppose the existence of such an office as the protector and guardian of Slaves, it being the wish of his Majesty's government that the Bill creating that office should precede the other measures which are suggested.

Heads of a Bill to enable Slaves to acquire Property, and to make Provision for the safe-keeping of such Property, by the Establishment of Banks for Savings.

CLAUSE 1.—Whereas, by the usage of Jamaica, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control of their owners, and it is expedient that such laudable custom should be recognised and established by law, therefore be it enacted, &c., that no person in the island of Jamaica, being in a state of slavery, shall, on account of such his condition, be, or be deemed to be, incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, possess, hold, alienate, and dispose of lands situate in Jamaica, or money, cattle, implements, or utensils of husbandry, or household furniture, and other effects of such or the like nature, of what value and amount soever; and to bring, maintain, prosecute, and defend any suit or action in any court of justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

Provided that this Act shall not extend or revoke to alter any law now in force in the island of Jamaica, respecting the manner in which Slaves may cultivate land for their own advantage. Provided also that the Act shall not extend to authorize any Slave to acquire or to become the owner of any fire-arms, gunpowder, or ammunition.

CLAUSE 2.—For the better preserving the property of any such Slaves, banks for savings shall be established within the island of Jamaica, and interest at the rate of [ ] per cent. per annum shall be allowed upon every sum deposited in any such bank, which interest shall be charged upon his Majesty's revenue within the island.

CLAUSE 3.—Any Slave making any deposit of money in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid; and such declaration shall be recorded in a book to be kept for that purpose at the savings bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in the absence of any other will. In case any Slave shall marry, after making any such declaration, the marriage shall be taken to be a revocation of the declaration. If any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the property of the Slave shall be disposed of in favour of such persons as,

by virtue of the Statutes of Distribution of Intestate's Estates, would, according to the law of England, be entitled to any such property.

Clause 4.—The savings banks throughout the island shall be under the protection and control of the protector and guardian of Slaves, and the governor of the island, shall have authority to appoint such proper officers, and make such necessary rules and regulations, as will be best adapted for managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be there deposited, provided that such regulations be not repugnant to this Act, and that the same be transmitted to England for his Majesty's approbation.

Clause 5.—No deposit of money shall at any one time, or in any one week, be received at any bank for savings from any Slave exceeding the sum of [ ] in the whole, unless at the time of tending such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous, at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the protector of slaves, upon application made to him for that purpose, shall issue a summons, requiring the owner or manager to appear before him at some particular time and place; and if the person being so cited shall not appear, or appearing, shall not lay before the protector and guardian of Slaves sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and the same shall be received by him accordingly.

Clause 6.—In his half-yearly returns to the governor, the protector and guardian of Slaves shall, amongst other things, state the amount of the sums of money deposited in any savings banks in the island in the preceding half year.

Note on a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property, by the Establishment of Banks for Savings.

Note on Clause 1.—The right of Slaves to acquire property, is established in the Trinidad Order in Council, in such language as not to permit a Slave to become himself the owner of other Slaves. If it should be thought right to make this exception in more direct and explicit terms, there could be no objection to it,

The Trinidad Order in Council, as originally drawn, did not make any exception of the staple commodities of the island, in the enumeration of the kinds of property which a Slave was permitted to acquire. It was represented by the governor that a colonial law existed, by which a Slave was prohibited from planting any such staple commodities, and he desired to be informed whether the Order in Council was to be considered as having repealed that law. He was accordingly informed, that in granting to Slaves the power of acquiring land, the order had not exempted them from any existing restrictions, as to the mode in which land might be cultivated by persons of their class and condition. The Court of Policy, in Demerara, represented that by the law of that colony, Slaves were not permitted to sell or barter the staple commodities. It appearing therefore that in the one colony the Slaves could not cultivate these articles, and that in the other they could not sell them, his Majesty's government deemed it expedient not to claim for the Slaves the abstract and unprofitable right of owning this description of property. It was therefore admitted that Slaves ought not to be proprietors of sugar, coffee, or cotton. A similar admission may therefore be made in Jamaica, if the law of that island has already established the same or similar restrictions.

The Court of Policy urged various objections against permitting a Slave to bring an action, at his own direction, and they proposed to invest the protector of Slaves, or the master, with a power of deciding in any particular case whether there was sufficient reason for such a proceeding. These objections so far prevailed, that it was agreed to substitute for the

enactment of the Trinidad code a provision, giving to the protector of Slaves a clear right to bring or defend any action, in respect to the property of the Slave, and empowering the President of the Supreme Court of the Colony to direct prosecutions on the application of the Slave. The form in which these modifications of the law may be best made, still remains to be considered by the Court of Policy. A similar alteration may, if necessary, be introduced in Jamaica. The proper form to be adopted for that purpose, will be best decided by the law officers of the crown for that island.

Heads of a Bill to prevent the Separation of Slaves, being Members of the same Family, by Virtue of any legal Process.

Clause 1.—In the execution of any judgment, sentence, decree, or order of any court of justice within the Island of Jamaica, it shall not be lawful to seize or sell any Slave having a husband, or wife, or a child under the age of [ ] years, or a reputed husband, or wife, or child under that age, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person.

If in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child as aforesaid, such sale and execution shall be absolutely null and void in the law, to all intents and purposes.

Clause 2,—If the provost-marshal, or his deputies, on any other executive officer, making any levy upon Slaves under any writ of execution or judicial process, shall be unable to ascertain whether any Slave on which he may so levy, has or has not a husband or wife, or reputed husband or wife, or child under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost-marshal, or other officer, to make a special return of any such circumstance to the court out of which the execution has issued, and the court shall thereupon direct a copy of such return to be transmitted to the protector and guardian of Slaves; and upon hearing what may be alleged by such protector and guardian, and by the several parties in any such action, cause, suit, or proceeding, the court shall decide whether the Slave so seized hath or hath not any husband or wife, or reputed husband or wife, or child, under such age as aforesaid, belonging to the said persons or person; and such court shall make a rule upon such provost-marshal, or other officer requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

Note on a Bill to prevent the Separation of Slaves, being Members of the same Family, by Virtue of any legal Process.

Clause 2.—This clause is adopted from the Act of the Court of Policy of Demerara. There is an obvious convenience in enabling the officer of the court to refer to some higher authority the decision of the question of fact, whenever a doubt arises whether a Slave has any connexion from which such Slave cannot legally be separated. But it seems more consistent with the spirit of English law, to refer this question to the decision of the court from which the process issues, than to leave it, as in Demerara, to the arbitrement of the protector of Slaves. He would be entitled to be heard on behalf of the Slave, but could not, with propriety, be intrusted with the determination of the question of private right.

Heads of a Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due Course of Law, or by the Authority of the Master.

Clause 1.—In all prosecutions which may be commenced in any court of justice in the island, wherein a Slave may be charged with any offence

punishable by death or transportation, the same notice is to be given to the protector and guardian of Slaves of such prosecution, as, according to the law of the island, would be given to the Slave, if he were of free condition; and the protector and guardian of Slaves is required to attend at the trial and other proceedings in every such prosecution, as the protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave.

If such trial shall take place at the distance of more than [ ] miles from the [ ] of [ ], the protector and guardian of Slaves shall direct the assistant protector and guardian, whose residence may be most near to the place of trial, to attend and act therein for the benefit of the Slave. If such assistant protector and guardian is any way interested in the result of the prosecution, then the order shall issue to the nearest assistant protector and guardian who has no such interest therein.

The protector and guardian of Slaves, and his assistants, shall be allowed on all such trials and proceedings to act for the benefit of the Slaves, in the same manner as by the law of the island any council or attorney at law may upon similar occasions act for the benefit of any person of free condition.

Clause 2.—It shall be illegal for any person within the Island of Jamaica to carry any whip, cat, or other instruments of the like nature, while superintending the labour of any Slaves in or upon the fields or cane pieces upon any plantation; or to use any such whip, cat, or other instrument of the like nature, for the purpose of impelling or coercing any Slave to perform labour of any kind whatever; or to carry or exhibit upon any plantation, or elsewhere, any such whip, &c., as an emblem of the authority of the person so carrying the same over any Slaves or Slave. And any person offending against this rule, or directing, instigating, or abetting in any such illegal driving or use, or exhibition of any such whip, &c., shall be guilty of a misdemeanour.

Clause 3.—It shall be unlawful for any person to inflict, in any one day, upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding [ ] in the whole; or to inflict upon any such male Slave any punishment by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male slave any punishment, by the whipping or beating of his person, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment, other than the person by whom, or by whose authority, the punishment may be inflicted. Persons offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave, shall be guilty of a misdemeanour.

Clause 4.—The preceding rules are not to extend to any punishments which may be inflicted on any Slave under the judgment of any court of competent jurisdiction.

Clause 5.—It shall not be lawful to punish, by whipping, any female Slave for any offence committed, or alleged to be committed by her. And any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanour.

Clause 6.—The preceding clause does not extend to prevent the owner of any female Slave, under the age of [ ] years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth in the island.

Clause 7.—Crimes which may be hereafter committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be pun-

ished at the discretion of the court of justice, or the owner or manager directing such punishment, in one or the other of the following modes ;—that is to say :—First :—By solitary confinement, with or without work, in any proper place for that purpose on the estate ; provided that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the island, and the protector and guardian, or the assistant protector and guardian of Slaves of the parish where the same is situate, shall have signed a certificate, in writing, approving such place of confinement, which certificate shall be transmitted to, and deposited in the office of the protector and guardian of Slaves ; and also provided that no such solitary confinement shall be continued more than [ ] for any one offence ; and that no slave shall be subjected to punishment by solitary confinement more than [ ] in any one calendar month. Secondly :—By field stocks or confinement of the hands during the hours of labour in the field ; provided that the period of confinement shall not at any one time exceed [ ] and shall not be repeated a second time until [ ]. Thirdly :—House stocks for the hands and feet, or either of them, with or without seats, during any period of the day ; provided that the period of confinement shall not exceed [ ] for any one offence ; and that no such punishment shall be repeated twice within the period of [ ] Fourth :—Bed stocks, for the confinement of the feet during the night ; provided that no such punishment shall be repeated within the period of [ ] Fifthly :—Distinguishing dresses to be used either with or without the stocks, provided that such punishment be not continued more than [ ] [ ] for any one offence, and that the same be not repeated within [ ]. Sixthly :—Confinement, either solitary or otherwise, during one of the hours of noon, with or without work during such confinement ; provided that no such punishment be repeated within the period of [ ].

Clause 8.—Any person repeating any such punishment as aforesaid, at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose ; or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid within [ ] next preceding such confinement, or using any stocks for the purpose of punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person ; or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water ; or who shall punish any woman known or supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of a miscarriage, shall be guilty of a misdemeanour.

Clause 9.—In any case in which a male Slave is now, by law, punishable with flogging, it shall be lawful for his owner or employer, or for any court of justice, or justice of the peace, having jurisdiction therein, to substitute for such flogging, any one of the punishments before mentioned ; provided that the conditions and regulations aforesaid, so far as they are applicable to the case of male slaves, be duly observed.

Clause 10.—None of the before-mentioned punishments shall be inflicted on any Slave by the authority of the owner or employer, until twenty-four hours, at the least, have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted ; nor unless one person of free condition shall be present at, and witness the infliction of such punishment.

Clause 11.—Every person having charge of a task, or working gang of Slaves exceeding [ ] in number, and every owner of, or other person having the direction of any plantation or estate within the colony, shall keep a book to be called "The Punishment Record Book." And it shall be the duty of such owner, or other person, to enter and record in the said book, at or immediately after the time of infliction of any

punishment whatever, on any female Slave, hereby authorized, or on any male Slave who may be punished in any one day, with any number of stripes exceeding [ ], or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for or with respect of which such punishment may be inflicted, and of the time at which, and the place where, the offence was committed, and of the time at which, and the place where, such punishment was inflicted, and of the nature, extent, and particulars of the punishment; and, in the cases of male slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted; and of the persons of free condition present and attending at the infliction of every such punishment. Any person neglecting to make such entries in the Punishment Record Book, or not making such entry within [ ] after the infliction of the punishment, shall incur a penalty not exceeding [ ] nor less than [ ]. Persons wilfully or fraudulently making a false entry or erasure in any such book, or burning, destroying, cancelling, or obliterating the same, shall be guilty of a misdemeanour.

Clause 12.—Every person required to keep a punishment record book shall, on the first Monday next following the 5th of April, 24th of June, 29th of September, and 25th of December, in each year, repair to the assistant protector and guardian of Slaves of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his Punishment Record Book; and shall take the following oath, which such assistant protector and guardian of Slaves is authorized to administer. "I, A B, the owner (or manager as the case may be,) of the estate or plantation called in the parish of in the Island of Jamaica, do make oath and say, that the writing hereunto annexed, contains a true and exact copy of every entry which since the day of last, hath been made in the punishment record book of the before-mentioned plantation; and I do further swear that the said punishment record book hath been punctually and accurately kept since the said day of , in the manner by law required, and that no fraudulent erasure, or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent."

Clause 13.—If any owner or manager shall not, since the time of making his last preceding return, have inflicted any punishment required by law to be recorded, then instead of the before-mentioned oath, he shall take and subscribe before the assistant protector and guardian of Slaves, of the parish in which he may be resident, the following oath: *viz.*, "I, A. B., do swear, that since the day of now last past, no punishment hath been inflicted by me or by my order, or with my knowledge, on any Slave belonging or attached to the plantation called situate in the parish of whereof I am owner (or manager as the case may be), excepting punishments inflicted on male Slaves not exceeding three lashes; and I further swear that no entry of any such punishment hath since the day of been made in the punishment record book of the said plantation. So help me God."

Clause 14.—[ ] at the least before the time of making any such returns, the assistant protector of Slaves of each parish within the island, shall transmit to the owner, or manager, of every plantation situate within such parish, a printed blank form of the before-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving the returns and administering the oath aforesaid. And every such assistant protector of Slaves shall attend from day to day, for [ ] successive days, for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person liable to make such return is rendered incapable, by sickness, of attending for that purpose,

then such assistant protector and guardian shall attend any such person at their place of abode, for the purpose of receiving their returns and taking the affidavits before mentioned.

Clause 15.—Any person refusing or neglecting to make any return, or to take the oaths required by this Law, shall incur a fine, at the discretion of the court, not exceeding [ ], nor less than [ ]. Any quaker liable to make any such returns, may make the same upon his solemn affirmation.

Clause 16.—The assistant protector and guardian of Slaves of each parish, is to transmit to the protector and guardian of Slaves, at his office in Kingston, the whole of the returns made to him, with the original affidavits thereto annexed, within [ ] next after such quarterly returns are complete. If any such assistant protector and guardian of Slaves shall himself be the owner or manager of any plantation, he shall, with the returns, deliver to the protector and guardian of Slaves, transcript of the entries in his own punishment record book for the last preceding quarter of a year, with an affidavit sworn before one of the justices of the Court of King's Bench and Common Pleas, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make the returns, or to take the oaths aforesaid. Provided, however, that such assistant protectors and guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they think proper so to do.

Clause 17.—The protector and guardian of Slaves is to record, in books kept by him for that purpose, the whole of the returns so to be made to him, preserving in his office the originals of such returns and affidavits. A distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indexes shall be made to such books.

Clause 18.—On the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open court, declare such traces to be the consequences of any unlawful punishment or correction, and, being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be a competent witness, the owner or manager shall be bound to prove either that the punishment of which the traces are apparent was not inflicted by him, or by his procurement, or with his knowledge or consent; or that the punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one witness of free condition as is hereby required. In default of such proof, such owner or manager is to be convicted, and judged guilty of the offence imputed to him. No such prosecution shall be discontinued, except in obedience to a written order issued for that purpose by the governor under his hand and seal.

Clause 19.—Persons guilty of swearing falsely, or, being Quakers, of making a false affirmation under this Act, shall suffer such punishment as, by the law of Jamaica, may be inflicted on any persons guilty of wilful and corrupt perjury.

Clause 20.—Any person convicted of any misdemeanour under this Act shall, if of free condition, become liable to a fine not exceeding [ ], nor less than [ ], or to imprisonment for any time not exceeding [ ], nor less than [ ], or both to fine and imprisonment, at the discretion of the court before which such conviction may take place. If the offender is a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding [ ] at the discretion of the court before which the conviction may take place.

Clause 21.—In case any person shall be convicted of cruelty to any Slave, the court may, at their discretion, declare the right and interest of the person so convicted in, and to any such Slave, to be absolutely forfeited to his Majesty.

Clause 22.—If any person shall be twice convicted of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted shall, in addition to the penalties before mentioned, be declared by the court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent, of any Slave or Slaves within the island; and all Slaves, of which any such person may at the time of such conviction be the owner or proprietor, and all the right and interest of any such person in any such Slaves, shall thenceforth be absolutely forfeited to his Majesty.

Clause 23.—No forfeiture to his Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away, the right or interest of any person in or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

Clause 24.—Whenever any such forfeiture as aforesaid shall accrue to his Majesty, it shall not be carried into effect by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his Majesty, through one of the Secretaries of State, and his Majesty's pleasure shall have been signified thereupon; but, pending such reference, the forfeited property shall remain vested in his Majesty, subject to be divested if his Majesty shall be graciously pleased to remit the forfeiture.

Clause 25.—The protector and guardian of Slaves, in his half yearly returns to the governor, shall state the particulars of all the returns which, by virtue of this Act, may have been made to him in the preceding half year by the assistant protectors and guardians of Slaves within the several parishes of the island, and the names of the persons, if any, against whom he may in the preceding half year have instituted any criminal prosecutions under this Act.

Notes on a Bill for preventing Abuses in the Punishment of Slaves.

Note on Clause 1.—The extent of the island of Jamaica, and the practice of holding Slave courts in different parts of the colony, seem to require that the assistant protectors and guardians should attend at the prosecutions of Slaves, where the trial takes place at more than twenty miles distance from [ ]. As the rules of English law exclude all persons from acting in criminal proceedings on behalf of the accused party, except his counsel and attornies, it is necessary to sanction, by express enactment, the interposition of the protector and guardian.

In Demerara the attendance of the protector of Slaves on *all* prosecutions, has been dispensed with, because that duty would not be compatible with the due discharge of the functions of the same officer as fiscal, and though separated, those offices were at first held by the same individual. In Jamaica the same reason will not apply, and therefore the same provision is there unnecessary.

Note on Clause 3.—In Demerara, the attendance of six Slaves as witnesses of punishments has been substituted for the attendance of one free person, but this relaxation of the rule is to take place only in particular cases, when very special circumstances may require it; and it is expressly insisted, that the law should distinctly and unequivocally ascertain the admissibility of the evidence of all Slaves in the courts of the colony. But the law of Jamaica differs entirely from that of Demerara with respect to the general admission of such evidence. Consequently, the partial departure from the rule which has been allowed in Demerara, could not safely take place in Jamaica.

Note on Clause 6.—This explanatory clause was introduced in Trinidad, in deference to the wishes of the inhabitants, although it might seem almost superfluous to declare, that the law had no reference to domestic discipline in the case of young children.

Note on Clause 7.—The enumeration here made of the punishments which may be inflicted on females, is taken from the proclamation of the Governor of Trinidad, of the 23d of June, 1824. That proclamation,

however, not having defined what interval of time shall intervene between successive punishments, it is necessary to supply the omission, otherwise ill-disposed persons might, under colour of law, inflict punishments of extreme severity, merely by the frequent and early repetition of the same punishment. The punishment of females, by suspending marks from the neck, and the use of hand-cuffs, are omitted, because they are scarcely susceptible of any previous definition sufficiently accurate to prevent abuses.

The same proclamation makes provision for the punishment of a class of offences, too serious to be adequately corrected by the authority of the owner, circumscribed as it now is; and in such cases the local magistrates are authorized to inflict punishments of greater severity, The law of Jamaica has, however, provided so completely for the punishment of the offences of Slaves in all ordinary cases, that it seems superfluous to invest the justices of the peace of that colony with any new powers. Neither could the general rules established by the proclamation in Trinidad, for the decision of complaints made by Slaves against their owners, be transferred to Jamaica, without the repeal of the various provisions which have been established by Acts of Assembly on that subject. Without expressing any opinion on the comparative advantages of the Slave Codes of the two islands, on the subject of the redress of complaints preferred by Slaves against their owners, it is sufficient to say, that this particular part of the law, however important, does not fall within the immediate object of the projected measures of reform.

Note on Clause 9.—This enactment was introduced into the proclamation of Trinidad, because some proprietors in that island desired to have it distinctly ascertained that the punishments to be inflicted on females might legally be applied to the case of male offenders. If experience should prove their efficacy in the one case, it was supposed that they might be equally effectual in the other.

Note on Clause 11.—Persons having a working gang of six Slaves, as well as the owners of plantations, are required by the law of Demerara to keep a record of punishments. This appears to be an improvement on the Trinidad Order, and especially in reference to Jamaica, where the practice of working estates by jobbing gangs, is understood to prevail not unfrequently.

Note on Clause 16.—The assistant protector and guardian of Slaves was permitted in Trinidad to make his own returns once in each half year, instead of making them in each quarter, because his personal attendance being necessary for that purpose, more frequent returns would have subjected him to serious inconvenience.

Note on Clause 18.—This Clause, which, in certain cases, raises a presumption of guilt against the owner or manager, does not appear in the Act of the Court of Policy of Demerara. In that colony such an enactment would be superfluous, if, as is stated, a Slave is in all cases admissible as a witness under the ancient Dutch laws. It would, of course, be needless to resort to presumption, when direct legal proof could be adduced. But in Jamaica this reason does not apply, because the law of that island has not recognised the admissibility of Slave evidence; and because, even under the proposed amendments of the law, there will be many cases in which Slaves could not be heard as witnesses.

Note on Clause 23.—The express declaration that the forfeiture was not to extend beyond the interest which the party convicted might have in the Slave, was introduced, at Trinidad in deference to the wishes of the inhabitants, and although such a declaration may appear superfluous, yet it seems most prudent to avoid every posssibility of doubt upon a subject so important.

Note on Clause 24.—The suspension of the forfeiture, so far as respects the actual sale of the forfeited Slaves, until his Majesty's pleasure can be known, was introduced in Trinidad to quiet the apprehensions which the law had there excited. There can be no objection to extending a similar modification to the Island of Jamaica; but of course the right of the crown to the forfeited Slaves must be preserved inviolate, although the exercise of that right be suspended during the reference to England.

No. 6.

Extract from a Despatch from his Grace the Duke of Manchester to Earl Bathurst, K. G., *dated King's House, Jamaica*, 12*th June* 1826.

REFERRING your Lordship to my communication of 29th ultimo, I have the honour to inform your Lordship that I have this day dissolved the House of Assembly, and directed writs to be prepared, calling a new assembly, for the 28th proximo, so that I shall be prepared for any instructions your Lordship may be pleased to furnish me with, relative to the time when the new assembly should meet.

Should I receive no such instruction from your Lordship, my present intention is to call the new assembly about the 20th September, which will afford sufficient time for putting your Lordship in possession of the decision of the Assembly relative to the propositions to be submitted to them before the meeting of Parliament, and will enable the Legislature to dispose of the general business of the Island, without the inconvenience of an extraordinary session.

No. 7.

My Lord, *King's House, Jamaica, 28th June* 1826.

I HAVE had the honour to receive your Lordship's despatch of the 11th May (No. 5), accompanied by the substance of eight Bills, containing all the provisions of the Order in Council of 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad. And copies of these documents, as well as of your Lordship's despatch, have been prepared and transmitted to the Attorney and Advocate General, and Mr. Rennalls, the Judge of the Court of Vice-Admiralty. And your Lordship may be assured, that I shall avail myself of all the advantage which my long and intimate acquaintance with the established usages of the Colonial Assembly may supply, in order to ensure the most favourable reception, by the two branches of the Legislature, of the several important objects which I am instructed to submit to their consideration. In the mean time I shall take care to furnish your Lordship with a copy of such report as may be made to me by the law officers of the crown, after they have given to your Lordship's despatch, and to the documents which accompanied it, their most mature consideration.

As the several points to be submitted to the Assembly are so distinct as not to require any prolonged discussion or consideration, it is my present intention that the new assembly shall not meet until the first Tuesday in October, which being four weeks sooner than the usual period, will afford sufficient time for their deliberations, and my communicating to your Lordship the result of them before the next meeting of Parliament.

I have &c.

(Signed) MANCHESTER.

The Earl Bathurst, K. G.
&c. &c. &c.

No. 8.

My Lord, *King's House, Jamaica, October, 16th* 1826.

I HAVE the honour to enclose for your Lordship's information the copy of my speech to the two branches of the Legislature at the opening of the session, which took place on the tenth instant. Also copies of the

addresses of the Council and Assembly, the latter of which will not be presented until Tuesday next, but has been agreed to by the House. I at the same time transmit to your Lordship the copy of a message I sent to the Council and Assembly on the twelfth instant, together with a document containing in substance all the provisions of the eight Bills which accompanied your Lordship's despatch of the eleventh of May last.

I have also the honour to transmit to your Lordship drafts of the eight Bills altered and adapted to the usages of this Colony by the law officers of the crown, together with a report from them on the subject. My message has been referred to a committee of the whole House, on the state of the Island to be taken into consideration on the 19th instant, and it is intended to propose a conference with the Council on the subject matter of the propositions which have been brought before them. Whether the Assembly will agree to ask such conference, and what the result of it, if agreed to, may be, I cannot venture to anticipate.

I have the honour to be, my Lord,
Your Lordship's most obedient,
humble Servant,
(Signed) MANCHESTER.

The Earl Bathurst, K. G.
&c. &c. &c.

Gentlemen of the Council,
Mr. Speaker and Gentlemen of the Assembly,

I HAVE called you together at an earlier period than usual, in order to afford you ample time for deliberating upon certain propositions regarding the Slave population to which I have been instructed to direct your attention.

I shall lose no time in putting you in possession of the substance of the instructions I have received, and I have no doubt that you will entertain them with that respect which is due to all subjects submitted to you by his Majesty's command.

Mr. Speaker and Gentlemen of the Assembly, I trust that you will grant such supplies as may be found necessary for the public service.

Gentlemen of the Council,
Mr. Speaker and Gentlemen of the Assembly,

The anxiety his Majesty's government will feel to learn the result of your proceedings induces me to hope that you will take into consideration the several matters which will be brought before you without delay.

It will form a most pleasing part of my duty should your policy and wisdom enable me to lay at his Majesty's feet a code of laws respecting the Slave population conformable to the spirit of the unanimous resolutions of the two Houses of Parliament, and at the same time advantageous to this colony.

To his Grace William Duke of Manchester, Captain General and Governor in Chief of this his Majesty's Island of Jamaica and the Territories thereon depending in America, Chancellor and Vice-Admiral of the same.

THE HUMBLE ADDRESS OF THE COUNCIL.

May it please your Grace,

WE his Majesty's most dutiful and loyal subjects the Council, beg leave to return your Grace our best thanks for the speech with which you have been pleased to open this session.

We acknowledge your Grace's accustomed consideration in affording us abundant time for deliberating upon those propositions regarding the Slave population which your Grace has been instructed to submit to us. We trust

it is unnecessary for us to assure your Grace, that we shall immediately take them into consideration, with all the deference and respect due to every subject communicated to us by his Majesty's command.

Your Grace may confidently rely on the continued desire of the Council to contribute, by all the means in their power, to the establishment of a code of laws respecting the Slave population, conformable in principle to the declared sense of the two Houses of Parliament, and at the same time advantageous to this Colony.

Passed the Council,
this 12th day of October 1826.
(Signed) W. BULLOCK, Clk. Council.

May it please your Grace,

WE his Majesty's dutiful and loyal subjects, the Assembly of Jamaica, return your Grace our thanks for your speech at the opening of the session.

We notice that your Grace has called us together at an earlier period than usual, to deliberate upon certain propositions regarding the Slave population to which you have been instructed to direct our attention.

Whatever propositions or instructions your Grace shall put us in possession of, you may be assured we shall entertain with that respect which is due to all subjects submitted to us by his Majesty's command.

The impoverished state to which this island has been reduced in common with all his Majesty's other colonies in the West Indies, by oppressive imposts upon the staple productions of our soil, aggravated by the agitation of measures relating to the labouring class of our population, will render it extremely difficult for us to raise the usual supplies; at the same time we beg to assure your Grace that no exertion shall be wanting on our parts to raise such supplies as may be absolutely necessary for the public service.

It will be highly gratifying to us to enable your Grace to lay at his Majesty's feet, such amendments of our Slave code as our own local knowledge and experience convince us will be advantageous to this colony.

Message from the Governor to the Assembly.

Mr. Speaker.—HIS Grace the governor has been instructed by his Majesty's government to submit to the House the several propositions accompanying this message, and which have for their object the improvement of the condition of the Slave population.

His Grace has been induced to embrace them all in one communication, in order to prevent any unnecessary interruption of the proceedings of the House.

Upon a subject of so much importance and involving in its consequences the future welfare of the Colony, his Grace feels it his duty to observe that the propositions now submitted to the House have received the unqualified approbation of both Houses of Parliament, and as in addition to those high authorities, the voice of the nation at large has loudly and unequivocally called for a melioration of the condition of the Slaves in the West Indies, his Grace hopes that the House will cheerfully concur in measures which experience has shewn to be attended with no inconvenience in those Colonies where the experiment has been tried.

The First Proposition regards the establishing an officer to be called the protector and guardian of Slaves.

This officer to be appointed by his Majesty under the Sign Manual, and to continue during his Majesty's pleasure. In the event of the death, resignation, mental incapacity, removal, suspension, or temporary absence of such officer, the governor to appoint an acting protector and guardian. The duty of the protector or acting protector to be discharged in person, and not by deputy. The protector or acting protector before he enters on the execution of his office to take an oath for the faithful discharge

of his duty. No protector or acting protector to own any plantation or Slave employed in agriculture, nor have any interest by mortgage or otherwise in any plantation or Slaves, and be incapable of representing absentees or acting as guardian, trustee, executor, receiver or otherwise as manager or as overseer, agent or attorney, for or upon any plantation. If any such protector or acting protector shall acquire or hold property in his own or wife's right, or as trustee, or shall act as such, his office of protector to be thereupon declared void by notice from the governor to be published in the Royal Gazette of this island, provided that all Acts done by such protector or acting protector, after such forfeiture, and before such notice as aforesaid, shall be effectual as if no such forfeiture had taken place. Protector or acting protector constantly to reside in the island unless by leave from his Majesty or the governor, which is not to exceed [ ] at one time, and leave not to be granted unless on a certificate of some medical practitioner. The protector or acting protector to keep an office in the town of St. Jago de la Vega, and to attend there on such day, and during such hours, as the governor may appoint. All the records to be preserved in such office. One or more assistant protector to be appointed by the governor in every parish to assist the protector and obey his instructions. Such assistant protector to be in the commission of the peace for the parish where they act as assistant protectors. The office of assistant protector to be held during his Majesty's pleasure. The protector or acting protector, and the assistant protector to receive salaries in lieu of fees and other emoluments, on pain of being indicted for a misdemeanour; and on conviction in the Supreme or Assize Courts, to be subject to a penalty not exceeding pounds, and to become disqualified from holding such office. In all prosecutions for the murder of a Slave, or any offence against the person of a Slave, the protector or acting protector to attend and act as public prosecutor; but at a distance of miles from Spanish Town, the assistant protector whose residence shall be most near the place of trial, to attend and act as public prosecutor. This regulation not to prevent the attorney-general from acting in such prosecutions as he has heretofore done, or the owner of a deceased or injured Slave employing counsel or attorney to conduct such prosecution. On the first Monday after the 25th December, and the first Monday after the 24th June, the protector or acting protector to deliver to the governor a written report of his proceedings during the preceding half year; such report to contain a statement of all prosecutions in which he or his assistants may have acted, with the dates and proceedings had therein respectively, together with such particulars as are or may be required by law to be therein stated, such report to be verified on oath before the governor, and then, and not before, the governor to grant a warrant for protector's salary. The government to transmit the report to one of his Majesty's principal Secretaries of State. Any protector, acting protector or assistant protector, guilty of making any fraudulent erasure, interlineation or false entry in protector's records, or burning, cancelling, obliteration or destruction of the same, to be liable to be indicted for a misdemeanour, and on conviction in the Supreme or Assize Court, to be subject to a penalty not exceeding pounds, or imprisonment not exceeding , or both at the discretion of the court.

The Second Proposition regards the admission of the evidence of Slaves.

In order to give effect to this proposition, it will be necessary to provide that every clergyman of the Established Church, ministers of the Kirk, and every Roman Catholic priest, and carrying on no other business or occupation with a view to profit, except that of a schoolmaster, shall be authorized to transmit to the protector, or acting protector, or assistant protector of the parish where he resides, certificates setting forth the names, colour, and place of abode, and the name of the owner of any Slave whom they deem sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath, to express the place of residence of such person granting the same, and the date thereof. Such certificate to be registered by the protector in a book to be kept for that purpose. No such certificate to be granted by any priest or minister

professing the Roman Catholic religion, unless by a written license from the secretary for the colonies, or the governor, nor unless such license shall be in force at the time of signing such certificate, and shall have been registered in the protector's office. All Slaves to be received as witnesses in all courts, civil and criminal, on producing a certified copy under the hand of the protector or acting protector, of the entry relating to such Slave, together with proof of identity of the party producing the same; such certificate to be granted without any fee. No Slave to be admitted as an evidence in any action, or proceeding of a civil nature, in which his or her owner is interested. The admission of the evidence of Slaves not to extend to cases where a white person, or person of free condition, shall be charged with, or prosecuted for, any capital crime. No Slave to be competent to give evidence in any case where he would have been incompetent if of free condition. The names of all Slaves certified as competent to give evidence, to be included in the protector's half-yearly report.

The Third Proposition regards the enabling Slaves, under certain restrictions, to purchase their freedom.

In order to give effect to this proposition, it will be necessary to consolidate the provisions of an Act, 5 Geo. 4, for removing impediments to the manumission of Slaves, by owners having only a limited interest, and to repeal the said Act. To declare that no duty, fee, or tax shall be paid on any manumission, or recording any manumission, but the secretary of the island to be paid by the public for recording of such manumission at the rate established by law. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, to be liable to indictment; and on conviction, subject to a penalty not exceeding . That it shall be lawful for any Slave to purchase his or her freedom, or that of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, brother, or sister, of such Slave. If the owner of such Slave be unwilling to consent to such manumission, or shall, from any cause, be unable to execute a valid manumission, or if the person having any estate or interest in such Slave, shall be a minor, married woman, idiot, or lunatic, or if the owner be absent from the island unrepresented, or such owner shall not be known, or if any action, suit, or other proceeding, be depending on any court in this island wherein the estate or title to such Slave shall be in dispute, or if the owner shall demand a price for the freedom of the Slave greater than, in the judgment of the protector, or acting protector, shall appear the real value of such Slave, in such case the chief justice, or in case such Slave, or the owner, shall reside at a greater distance than miles from St. Jago de la Vega, any assistant-judge of the Supreme Court, or justice of assize, on the application of the protector, acting protector, or assistant protector, to summon in writing the owner, or person in possession, of such Slave, requiring such person to appear at a fixed time, and at a convenient place, to be in such notice mentioned before the chief justice, assistant-judge, or justice of assize, the protector, or acting protector, to publish in the three county newspapers, for three weeks successively, notice of the time and place appointed as aforesaid, with the name or names of the Slaves, the place of their residence for the preceding twelve months, and requiring all persons claiming any interest in such Slave, either in their own right, or as the legal representatives of others, to attend and prefer their claim; that at the time and place fixed for such purpose, the chief justice, assistant-judge, or justice of assize, as the case may be, in the presence of the protector, acting protector, or assistant protector; also in the presence of the owner, or person in possession. of such Slave, or in the absence of such owner, or person in possession, of such Slave, proof being just made of the due service and publication of such notice, to proceed to hear in a summary way what may be alleged by the protector, acting protector, or assistant protector, and by the owner, or any person, claiming any interest in the Slave proposed to be manumized; and in case of their refusal to effect such manumission by private contract, or that there be any other legal impediment to such Slave obtaining his manumission, then the chief justice, assistant-judge, or justice of assize, to

require the protector and the owner, or person interested in such Slave, to nominate an appraiser of the value of such Slave, and the chief justice, assistant-judge, or justice of assize, to nominate an umpire between such appraisers; and the said appraisers are to be sworn to make an impartial appraisement before the chief justice, assistant-judge, or justice of assize. The appraisers to make a joint valuation of the Slave to be manumized, and certify the same to the chief justice, assistant-judge, or justice of assize; and in case such joint certificate be not delivered as aforesaid within days, then the umpire having been duly sworn to certify his valuation, which valuation, whether made by the joint appraisers, or by the umpire, to be binding and conclusive. After such valuation, the chief justice, assistant-judge, or justice of assize, to authorize the receiver-general to receive the amount of such valuation, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as hereafter directed, and to place the sum when paid to the credit of the person or persons interested in the said Slave, bearing an interest of per cent., as long as the same shall remain in the hands of the receiver-general. The receiver-general to give to the protector, acting protector, or assistant protector, a certificate that the said sum has been paid to him; and on the production of such certificate, the chief justice, assistant-judge, or justice of assize, to make a declaration under his hand and seal that the proceedings required by law have been duly observed, touching the Slave in the said declaration named, and thereupon the Slave to be deemed and taken to be free. The said valuation, receiver-general's certificate, and the declaration aforesaid, to be recorded in a separate book for manumissions in the office of the secretary of the island, and not to be delivered out, except under an order of the Court of Chancery, or Supreme Court, but to be preserved as original documents, and certified copies of the same to be received as evidence in all courts. The amount of the valuation, or the interest thereof, to be paid by the receiver-general, under an order of the Court of Chancery, or Supreme Court, upon the application of the parties interested in the money; such money to be considered as of the same nature with the real or personal estate as the Slave would have been if no proceedings had taken place. The said money to be liable to the same descent, limitations, trust-debts, and encumbrances, as the Slave was subject to. The courts to have power to direct the principal or interest to be paid by the receiver-general, according to the rights of the different owners or their creditors. That in case of a Slave thus manumized having belonged to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave, after being so manumized, if a male, shall die in the life-time of the tenant for life, or, being a female, shall die in the life-time of the tenant for life, without leaving any children, in such case the person in remainder not to be considered entitled to the principal or interest of the said money, but to belong to the tenant for life, without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life. That in all cases where the appraisement of Slaves may become necessary, by reason of the refusal of their owners to effect their manumission, or by reason of any difference of opinion between the owner, and the protector, acting protector, or assistant protector, of Slaves, respecting the value of such Slave, the expense of appraisement to be equally divided between the owner and the Slave manumized; and where appraisement becomes necessary, in consequence of any legal disability to effect a valid manumission, so much of the expense as would have been borne by the owner, in case of refusal to manumize, should be deducted from the amount of the valuation, and the residue thereof paid to the receiver-general. That before the manumission of any Slave by private contract, notice of such intended manumission be given to the protector, acting protector, or assistant protector, who, on behalf of the said Slave, should ascertain that the owner is competent to effect such manumission, and without fee prepare the proper deed of manumission; the same to be executed in the presence of the protector, acting protector, or assistant protector, or some witness to be by him appointed; and after

being so executed, to be by such protector, acting protector, or assistant protector, recorded in the secretary's office within one month, under a penalty of . No bond to be given to the churchwardens. In case a deed of manumission be executed without any valuable consideration, the Slave so manumized, before the execution of such deed, appear before the protector, acting protector, or assistant protector, as the case may require; and if it appear that the Slave, about to be gratuitously manumized, is under the age of , or above the age of , or labours under any habitual disease, or infirmity, the person about to effect such manumission to enter into bond, on the penal sum of , for the feeding, clothing, and maintaining, until the age of years; in case of infancy of the Slave about to be manumized, or during life; in the case of adults of years, or labouring under such sickness or infirmity as aforesaid; and no such manumission to be valid or enrolled in the secretary's office until such bond shall have been executed and recorded. The protector to include in his half yearly report to the governor, a statement of the names of all the Slaves so manumized.

The Fourth Proposition relates to the celebration of marriages amongst Slaves, and declaring such marriages valid in law.

The following provisions will be necessary in order to give effect to this proposition.

Slaves desirous to intermarry, to apply to protector, acting protector or assistant protector of the parish in which the female Slave may reside, for a marriage license, producing the consent in writing, of their owner or manager. If the owner or manager refuse consent, to be summoned before protector; and in failing to prove that the marriage would be injurious to the parties, the license to issue. No fee to be taken on such license so to be granted by the protector, acting protector, or assistant protector, such license to authorize any clergyman of the Established Church, minister of the Kirk, priest or curate professing the Roman Catholic religion, or any public teacher of religion, carrying on no other occupation of profit except that of a schoolmaster, to solemnize the marriage of such Slaves, provided that no such public teacher as last mentioned, be authorized to solemnize any marriage unless he shall have obtained a license from his Majesty's secretary of state, for the colonies or the governor, nor unless such license shall have been registered in the office of the protector. All marriages conforming to the foregoing regulations, to be declared valid in law. No such marriage to confer any rights inconsistent with the duties Slaves owe to their owners, or at variance with the rights which the owner and the government by law now exercise over such Slaves, and their issue. Persons solemnizing such marriages, to transmit, under penalty, to the protector or acting protector, a certificate of such marriage, which is to be registered in the protector's office, stating the date, names, and description of the contracting parties, their place of abode, and the officiating minister's name. No marriage between Slaves to be deemed valid, which would be invalid between persons of free condition.

A statement of the licenses granted, and marriages solemnized, to be included in protector's half yearly report.

The Fifth Proposition relates to the suppression of public markets on Sundays, and for preventing Slaves being compelled to labour on that day.

In order to accomplish this object, it will be necessary to declare that after the 31st of December next, no person of free condition, shall expose on a Sunday, after the hour of ten o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop, or other place, under pain of incurring such punishments, as persons so offending in the United Kingdom, are liable to by any law now in force there; and if any Slave do commit such offence, the goods so exposed, to be forfeited and sold by order of any justice of the peace; and the proceeds of such sale shall be applied one-third to the informer, and the remainder to such pious and charitable purposes as such justice shall direct. His Majesty to be authorized to direct the governor to issue a proclamation for the abolition of all markets throughout the island, on a Sunday; and as soon as such proclamation shall have been issued, all acts before prohibited, to be done after the hour of

ten in the forenoon, shall be unlawful, if done at any time of a Sunday, provided that nothing shall extend to prevent the sale of fresh meat or fresh fish or milk, on a Sunday; such sale however not to take place in any town or place during the hours appointed for the celebration of Divine service therein. This regulation not to extend to prevent the sale of medicines, nor to the keeping open any tavern or lodging house, during any part of Sunday. No Slave to be employed between the hour of ten on Saturday night, and sunrise on the following Monday, for the profit or advantage of the owner of such Slave, under a penalty on such owner, not exceeding or less than . No white person, or person of free condition to hire any Slave to work between the hours before mentioned for any wages under the same penalty, as would attach to the owner employing such Slaves. This prohibition not to extend to the necessary attendance of Slaves upon the persons or in the family of their owners or employers, nor to prevent the performance of any necessary labour by any Slave in the preservation of, or attending the cattle or live-stock on any plantation, or to prohibit Slaves from being employed as watermen, or in nursing, or attendance on the sick, or in making preparation for any interment, or in extinguishing any fire, or in preventing any immediate loss, injury, or danger to the property of his or her owner or employer, and no Slave so employed, to be entitled to any hire or wages for such service.

The Sixth Proposition has for its object to enable Slaves to acquire property, and to make provision for the safe keeping of such property by the establishment of banks for savings.

In order to give effect to this proposition, it will be necessary to repeal the 39th, 40th, and 48th sections of the Consolidated Slave Law. To provide that all persons in a state of slavery, shall be competent to purchase, acquire, hold, alienate, or dispose of lands, money, cattle, implements of husbandry, household furniture, and other effects, of such, or the like nature, of any value or amount, as fully and amply as if they were of free condition. This privilege not to extend to repeal such parts of the Consolidated Slave Law as prohibits Slaves from having in their possession any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs or ball without the knowledge of their owner or manager, nor to repeal another Act passed in the eighth year of his late Majesty, Geo. II., entitled "An Act to prevent hawking and pedling, and disposing of Goods clandestinely;" or of a certain other Act passed in the fiftieth year of his late Majesty Geo. III., entitled "An Act to repeal an Act for preventing Depredations on Coffee and other produce, and for discovering and punishing Receivers of stolen Produce, and for better regulating Certificates of the Growth of such Produce, and for making further provision against the evils contemplated in the said Act" as prohibits any Slave from selling, disposing of, or possessing any of the articles of produce which he or she is by the said two last-mentioned Acts, or either of them, prohibited from selling or disposing of, or possessing, except or otherwise than with the permission and in the manner, and under the circumstances therein mentioned. The protector or acting protector, to bring, prosecute, or defend any suit or action in any court of justice in behalf of any Slave in respect of any such property, as they are by law competent to purchase, receive, hold, alienate, or dispose of any thing in the proviso, contained in a certain Act made and passed in the sixth year of his present Majesty, entitled, "An Act to enable Slaves to receive Bequests of Money or other personal Estate" or any other Act, law, usage, or custom to the contrary thereof, in anywise notwithstanding. But for the better preserving the property of such Slaves, banks for savings, shall be established, and interest at the rate of per centum, per annum, allowed on every sum deposited, as hereinafter mentioned. Such savings banks to be under the control of the protector and guardian of Slaves, and the governor authorized to appoint managers of such banks, and to make such regulations for the managing of such banks as may be necessary to prevent the misapplication of any money which may be there deposited, as may be necessary. Such regulations to be transmitted to the colonial department for his Majesty's approbation.

The several officers so to be appointed for the management of such banks, to pay over to the receiver-general, all such sums as shall have been deposited with them, respectively, and which said sums so paid to the receiver general, shall be deemed as so much borrowed by the public of this island, and for the payment of which, and also of interest, at the rate of
per centum, the public faith to stand pledged to the Slaves or persons entitled to receive the same. The receiver-general to pay such principal and interest to the persons entitled thereto, and to give security in such sum as the commissioners of accounts may approve of, for the due performance of such duty. Persons appointed to take charge of savings banks, to enter into such security as may be approved of by the governor, for the due performance of their duty, and the punctual payment to the receiver-general of all such sums as may from time to time, be deposited with them. Slaves making a deposit in any savings banks, to be at liberty to make a declaration of the manner in which, in the event of his or her death, the monies so deposited shall be disposed of. Such declaration to be recorded in a book to be kept for that purpose. And that upon the death of the Slave making such declaration, the same to be taken to be his will, unless such Slave shall have made any other disposition thereof. The marriage of any Slave after such declaration, to be deemed a revocation of such declaration. And if a Slave die intestate without having made any such declaration, the amount of the monies so deposited by such Slave, to be disposed of in favour of such persons as would, according to the law of England, be entitled to such property. No deposit of money to be received at any bank, at any one time, or in any one week, exceeding the sum of , in the whole, unless the consent, in writing, of the owner or manager, be produced; and if a Slave be desirous, at any one time, or in any one week, to make a deposit exceeding the sum of , and the owner or attorney of such Slave shall refuse his or her consent, the protector or acting protector, is to require such owner or manager, by written notice, to appear before him; and if such owner or manager do not show sufficient cause why the deposit should not be made, then the protector, or acting protector, to issue an order, in writing, requiring the manager of the savings bank, to receive the amount of the deposit. The protector, or acting protector, to include in his half-yearly report, the amount of the several sums deposited in the several savings banks, and all such sums as shall have been paid over to the receiver-general in the preceding half-year.

The Seventh Proposition is intended to prevent the separation of Slaves being members of the same family, by virtue of any legal process.

It will be necessary to provide, that in the execution of any judgment, sentence, decree, or order of any court of justice, or levy made by any collecting constable, no Slave having a husband, or wife, or child, under the age of , or a reputed husband, wife, or child, under that age, who may be the property of the same person or persons, shall be levied on, seized, or sold, unless they be sold together and in one lot, and to the same purchaser; and any sale, execution, or levy, not conforming to this regulation, shall be null and void in law. If the officer or person making a levy on Slaves under any judicial process, be unable to ascertain whether any Slaves levied on, has or has not, a husband, or wife, or child, or reputed husband, or wife, or child, under the age of
years, belonging to the same owner, such officer to make a special return of such circumstance to the court, by which the process has been awarded; and in the case of a collecting constable, such return to be made to the Supreme Court, except where a levy may have been made by order of the Court of Chancery, when such return shall be made to the said court; and thereupon the court to which such return shall be made, shall direct a copy thereof to be transmitted to the protector and guardian of Slaves, and upon hearing what may be alleged by such protector or acting protector, and by the several parties in the action, cause, suit, or proceeding, in respect of which such execution or process had been awarded; and in case of a levy or levies made by any collecting constable, or his deputy, after hearing what may be alleged as well by the said protector or acting protector

as by any other persons interested in the said levy, and by the collecting constable, to decide whether the Slave so levied on hath or hath not any husband, or wife, or child, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said person or persons, and such court to make an order upon such provost-marshal, or his deputy or collecting constable, or other officer requiring him either to proceed to the sale of the single Slave or not, as the case may be.

The Eighth Proposition regulates the punishment of Slaves under judicial sentence, or by the authority of the owner or other person having the management of Slaves.

For this purpose it will be necessary that in all prosecutions where any Slaves may be charged with any capital offence, or which may be punishable by imprisonment for life, or transportation, notice of trial be given to the protector and guardian, or acting protector, as by "An Act for the Subsistence, Clothing, and better Regulation and Government of Slaves, and for enlarging the Powers of the Council of Protection for preventing improper transfers of Slaves, and for other Purposes," is required to be given to the owner or possessor of such Slaves, and the protector and guardian, or acting protector is to attend such trial as the protector of such Slave. If the trial take place at more than miles from the town of St. Jago de la Vega, the assistant protector to attend, whose residence is nearest; and in the event of such assistant being in any way interested in the trial, then the next nearest assistant to attend. That no whip, cat, or other instrument of the like nature, be carried by any person superintending the labour of Slaves upon any plantation, or to use any such instrument for the purpose of coercing Slaves to perform labour, or to carry or exhibit anywhere such instrument as an emblem of authority. And any person offending against this regulation, or instigating such offence, shall be deemed guilty of a misdemeanour. No more than lashes to be inflicted on any Slave in any one day, nor any corporal punishment at any time administered, unless the Slave shall be free from the effects of any former whipping, nor any punishment be inflicted on a Slave, until twenty-four hours after the offence for which punishment may be required, nor unless one person of free condition be present and witness the punishment, in addition to him by whose order the punishment may be inflicted. Every person guilty of offending, or assisting in offending against this regulation, to be declared guilty of a misdemeanour. This regulation not to extend to punishments inflicted under judicial sentence. No corporal punishment to be inflicted on any female Slave for any offence whatever, under the penalty of the person inflicting or directing the same, being declared guilty of a misdemeanour. Female children under the age of , to be still liable to such punishment as children of free condition would be liable to in any school for the education of youth. Offences committed by female Slaves, to be punished at the discretion of the court of justice, or magistrate having competent jurisdiction in that behalf, or the owner or manager directing such punishment in one or other of the following modes. First. By solitary confinement with or without work in any gaol or workhouse, where such punishment may be awarded by a court, or magistrate; or on the plantation, where such punishment may be awarded by the manager or owner. No place of confinement to be used as such until some medical practitioner and the protector, acting protector, or assistant protector of the parish where the same is situate, shall have signed a certificate approving of such place of confinement. Such certificate to be deposited in the office of the said protector. No such solitary confinement to be continued more than for any one offence, and no female Slave to be punished by solitary confinement more than in any one month. Second. By field stocks or confinement of the hands during the hours of labour in the field, such confinement not to exceed nor to be repeated until . Third. House stocks for the hands and feet, or either of them, with or without seats during the day, not exceeding and not to be repeated until . Fourth. Bed stocks for the confinement of the feet during the night, but not to be repeated within . Fifth. Distinguishing dresses,

with or without the stocks, such punishment not to continue more than , nor to be repeated within . Sixth. Confinement, either solitary or otherwise, during one of the hours of noon, with or without work, but not be repeated within the period of If any person repeat any or either of such punishments as aforesaid, at an earlier period than allowed, or continue any or either of such punishments beyond the period limited for that purpose, or shall place any female Slave in solitary confinement, in any place which has not been approved of in the manner before mentioned, within next preceding such confinement, or shall use any stocks for the purpose of any punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue more than twelve hours, with a proper quantity of wholesome food, and with a proper supply of water, or who shall punish any woman known or suspected by him or her to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce risk of miscarriage, to be deemed guilty of a misdemeanour. Courts of justice, or justice of the peace having jurisdiction therein, to be empowered to substitute for flogging any or either of the punishments before mentioned. Neither of such punishments to be inflicted until twenty-four hours after the commission of the offence, nor unless in the presence of one person of free condition. Every owner or manager of any plantation, or of any jobbing gang, exceeding [ ] in number, to keep a book, to be called the punishment record book, in which all punishments must be registered, and a statement of the particulars of the offence, the time and place where it was committed, and the time at which punishment may have been inflicted, stating also the nature of such punishment, by whose authority, and in whose presence it was inflicted. And any person neglecting to make such entries within after every such punishment, shall be subject to a penalty not exceeding nor less than . Any fraudulent or false entry, or wilful destruction or obliteration of the said book by an owner or manager, to be declared a misdemeanour. Transcripts of every entry in the punishment record book to be produced quarterly, before the assistant protector, by the person keeping such record book, who is to take the following oath: "I A. B., the owner (manager, attorney, or overseer, as the case may be,) of the plantation, penn, or settlement, called in the parish of in the island of Jamaica, or of the jobbing gang worked by me, as the case may be, do make oath, and say that the writing hereunto annexed, contains a true and correct copy of every entry which, since the day of last past, hath been made in the record punishment book of the before-mentioned plantation, penn, or settlement (or of the said jobbing gang, as the case may be): And I do further swear, that the said punishment record book hath been punctually and accurately kept since the said day of , in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge, privity, or consent." Where no punishment shall have been inflicted on any plantation during any quarter, instead of the preceding oath, the following shall be taken by the owner or manager: "I A. B. do swear that from the day of now last past, no punishment hath been inflicted by me or by my orders, or with my knowledge, privity, or consent, on any Slave belonging or attached to the plantation, penn, or settlement, called , situate in the parish of (or belonging to the jobbing gang,) whereof I am owner (attorney, manager, or overseer, as the case may be,) excepting punishments inflicted on male Slaves, not exceeding three lashes; and I further swear, that no entry of any such punishment hath, since the day of been made in the punishment record book of the said plantation, penn, or settlement, or of the said jobbing gang. So help me God." Assistant protector to be required, within days before such transcripts of entries in the record book are to be produced to him, to furnish the owner or manager required so to keep such record book with a printed blank form of the before-mentioned affidavits, with a

notice of the time and place at which he will attend for the purpose of receiving such transcripts, and administering the oaths before mentioned; and every such assistant protector and guardian of Slaves shall attend from day to day, for successive days, for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian by the certificate of any medical practitioner, that any person liable to make and verify such transcripts as aforesaid, is rendered incapable, by sickness, of attending for that purpose, then such assistant protector and guardian to attend every such person at his or her place of abode, for the purpose of receiving and taking such transcripts and affidavits as before mentioned. Persons refusing or neglecting to make and produce such transcripts to forfeit the sum of . The affirmation of Quakers to be admitted. The assistant protector in every parish to transmit to the protector the several transcripts produced to him, with the original affidavits annexed thereto within after such quarterly returns are completed. And if he himself be owner or manager of any plantation or jobbing gang as aforesaid, he shall, with such transcripts and affidavits, deliver to the protector a transcript of his own entries for the preceding quarter, sworn to before a judge of the Supreme or Assize Courts, in the form and under the penalties on other persons neglecting to comply with such regulation. Assistant protector not to be required to transmit such transcripts of the entries of punishments inflicted on their own Slaves oftener than twice in each year; all such transcripts to be recorded in a book to be kept for that purpose by the protector, and the originals to be preserved in his office. A separate book to be kept for each parish. The transcripts to be entered in alphabetical order, according to the names of the plantations, or those having charge of jobbing gangs, and an exact index to be made to every book. That on the prosecution of an owner or manager of Slaves for any punishment inflicted contrary to the foregoing provisions, or any act of the legislature of this island, if such Slave be produced in open court, and the traces of recent punishment appear on the person of such Slave; and if such Slave declare in open court that they are the consequences of any punishment prohibited by the foregoing provisions, or any act of the legislature of this island, and, being examined by the court, shall make a consistent and probable statement of all the circumstances which attended such punishment, then, notwithstanding such Slave may not be a competent witness, such owner or manager must prove either that the punishment had not been inflicted by him, or by his order, or with his knowledge, or that such punishment had in all respects conformed to the foregoing provisions, and in default of such proof, such owner or manager shall be adjudged guilty of the offence charged against him, and no such prosecution shall be discontinued, except by order of the governor. Persons swearing falsely, to suffer such punishment as is inflicted by the law of England for such offence. All persons of free condition, guilty of offences declared to be misdemeanours by the foregoing provisions, to be indicted in the Supreme or Assize Courts, and on conviction to be punished by fine not exceeding nor less than , or by imprisonment, not exceeding nor less than , or by fine and imprisonment, at the discretion of the court. And any person guilty of such offence, being a Slave, to be tried at a Slave court, and, on conviction, to be confined to hard labour for any time not exceeding Persons convicted a second time of having inflicted upon a Slave any cruel or unlawful punishment, such person, in addition to the former penalties, to be declared by the court before whom he is tried absolutely incapable of being the owner or proprietor, or to act as the attorney, manager, trustee, executor, administrator, or overseer of any Slaves; and all Slaves of which such person may at the time of such second conviction be the overseer or proprietor, and all the estate, right, title, and interest which such proprietor may have in, or to any Slaves, to be absolutely forfeited to his Majesty, preserving to the Supreme and Assize Courts the authority they now possess under the Consolidated Slave Law, to declare Slaves free, on the conviction of their owner of mal-treatment. No forfeiture to his Majesty of any Slave to diminish or affect the interest of any other person than him, on the conviction of whom such forfeiture

may be incurred whenever such forfeiture shall accrue, such forfeiture shall not be carried into effect by the actual seizure or sale of the Slave so forfeited, until a report shall have been made to his Majesty, and his Majesty's pleasure be received; and until his Majesty's pleasure shall be signified, remitting such forfeiture, the Slave so forfeited to remain vested in his Majesty, subject only to be divested, if his Majesty should remit such forfeiture. Nothing in the foregoing provisions or regulations to affect the power or authority of the justices of the peace or the Slave courts, except so far as applies to the punishment of whipping, in regard to females. Protector to include in his half-yearly report particulars of all the transcripts transmitted to him in the preceding half year, and the names of persons against whom any criminal prosecutions may have been instituted.

Letter from the Law Officers of the Crown to the Governor.

SIR, *Spanish Town, 19th September* 1826.

WE regret extremely that the indisposition of the Judge of the Court of Vice Admiralty, has prevented the law officers of the crown from making an earlier report to his Grace the Governor, on the subject of the eight Bills which accompanied your letter to us of the 28th of June; and in now making our Report we have, in regard to the Bills stated in the margin * been deprived of Mr. Rennell's assistance.

After a very careful perusal of Lord Bathurst's despatch of the 11th of May last, it has appeared to the law officers of the crown, that their duty is limited to the form and structure of the Bills submitted to them, and to take care that in their arrangement and language they correspond with the ordinary usages of this colony, and more especially to provide, that in cases where any of the regulations contained in them may interfere with existing laws, or where existing laws contain similar regulations, such interference may be avoided.

In the consideration therefore of these Bills, the law officers have confined their attention exclusively to form, regarding the substance and matter contained in them, as conclusively determined upon by his Majesty's government.

This view of their duty, has governed the law officers in the alterations which they have made in the several Bills, and in the remarks which such alterations suggested. These remarks will be found annexed to the accompanying Bills.

In order to give full and complete effect to the wishes of his Majesty's government, and to ensure a favourable reception by the assembly, of the several propositions to be submitted to them, we beg leave to offer to his Grace our humble opinion, that as there has never been a law officer in the House of Assembly, acting as a servant of the crown, and employed in a political capacity, the attorney-general, to whom such duty would belong, being a member of the Council, where no such legislative proceedings originate, and as the Assembly would view with jealousy any Bills of a new or unusual nature, introduced by a law officer of the crown, by command of his Majesty's government, it may be more advisable that his Grace should imbody the several propositions of government in the form of a message, embracing in detail all the different provisions which are deemed necessary to give such propositions effect.

By such a course of proceeding all the views of his Majesty's government will be explained with equal accuracy and precision, and it will be left to the Assembly, either to pass separate Bills on each point, or to consolidate the several objects contemplated by his Majesty's government in one or more Bills as shall seem most advisable.

We have, &c.

(Signed) WILLIAM BURGE.
(Signed) HUGO JAMES.

William Bullock, Esq.
&c. &c. &c.

* Manumission of Slaves. To enable Slaves to acquire property and to establish Savings' Banks. To prevent the separation of families in sales, &c. To regulate punishments, &c.

An Act for establishing within the Island, an Officer to be called "The Protector and Guardian of Slaves."

WHEREAS it has been deemed expedient to establish an officer for the further protection of Slaves, within this island; may it, therefore, please your Majesty, that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted by the authority of the same, that from and after I. the passing of this Act, it shall and may be lawful for his Majesty to appoint an officer within this island to be called "The Protector and Guardian of Slaves," and which office shall be held during his Majesty's pleasure; and such appointment shall be made by a warrant, to be issued under his Majesty's signet and sign manual: And be it further enacted by the authority II. aforesaid, that in the event of the death of the said protector and guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension from office, or of his temporary absence from the island, the governor, or person executing the functions of governor for the time being, shall, and he is hereby authorized and empowered to appoint a proper person to act as protector and guardian of Slaves, until his Majesty's pleasure shall be known: And be it further enacted, by the authority afore- III. said, that the protector and guardian of Slaves, or the acting protector and guardian to be appointed in manner aforesaid, shall at all times perform his duty in person, and not by deputy: And be it further enacted by the au- IV. thority aforesaid, that the protector and guardian of Slaves, and such acting protector and guardian as aforesaid, shall, before entering on the execution of their respective offices, take and subscribe before the governor, or person executing the functions of governor, for the time being, an oath in the following words, *viz.*, "I A. B. do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves, in the island of Jamaica, without fear, favour, or partiality. So help me God:" And be it further enacted by the authority V. aforesaid, that it shall not be lawful to appoint any person to the office of protector and guardian of Slaves, or acting protector and guardian as aforesaid, who shall be the owner of any plantation within this island, or its dependencies, or of any Slave employed upon any plantation, or in any kind of agriculture, or who shall have any interest in, or any mortgage or security upon any plantation or Slave within this island, or its dependencies, and it shall not be lawful for such protector and guardian, or acting protector and guardian, to act as guardian, trustee, executor, receiver or otherwise, as manager, or as overseer, agent, or attorney, for, or upon any plantation in this island, for on account of any person having any plantation, or any Slaves within this island; and if any such protector and guardian of Slaves, or acting protector and guardian of Slaves, shall acquire or hold, in his own right, or in right of his wife, or in trust for any other person, any plantation in this island, or any Slaves employed on any plantation, or in any kind of agriculture, or any interest in, or any mortgage or security upon any such plantation or Slave, or shall act as such guardian, trustee, executor, receiver, or otherwise, as manager, or as overseer, agent, or attorney as aforesaid, such protector and guardian of Slaves, or acting protector and guardian of Slaves, shall from thenceforth be incapable of further holding and executing his said office, and the same shall be thereupon declared void by notice, which the governor, or person executing the functions of governor, for the time being, is hereby required to cause to be published in the Royal Gazette of this island: Provided always, And be it VI. further enacted by the authority aforesaid, that all Acts done by such protector and guardian of Slaves, or acting protector and guardian of Slaves, after he shall have become so incapable of holding his said office as aforesaid, and before such office shall have been declared void by such notice as aforesaid, shall be as effectual as if no such vacancy of the office had taken place: And be it further enacted by the authority aforesaid, that VII. the protector and guardian of Slaves, shall constantly reside within this island, unless he shall obtain a special leave of absence from his Majesty,

or from the governor, or person executing the functions of governor, for the time being, provided always, that such leave of absence shall not exceed [ ] at any one time; and no leave of absence shall be granted by the governor, or person executing the functions of governor, for the time being, unless it shall be made to appear to him upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of

VIII. Slaves: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, shall keep a public office in the town of Saint Jago de la Vega, and shall attend there on such days, and during such hours of the day, as the governor, or person executing the functions of governor, for the time being, shall from time to time appoint; and shall keep at such office, and not elsewhere, all public books, records, and papers,

IX. relating to his said office of protector and guardian of Slaves: And be it further enacted, by the authority aforesaid, that it shall be lawful for the governor, or person executing the functions of governor, for the time being, and he is hereby required to appoint one or more, fit and proper person, or persons, in every parish of this island, to be assistant protectors and guardians of Slaves in such parish, and who shall be at the time of such appointment magistrates named in the commission of the peace for such parish, and such assistant protectors and guardians shall in their respective parishes be assisting the protector and guardian of Slaves in the execution of the duties of his office, and shall carry into execution such lawful instructions as they may receive from him in re-

X. ference to such duties: And be it further enacted by the authority afore-

XI. said, that such assistant protectors and guardians of Slaves shall hold their respective offices during his Majesty's pleasure: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, and the acting protector and guardian, and such assistant protectors and guardians of Slaves, shall respectively receive their salaries in lieu of all fees and other emoluments; and if any such protector and guardian of Slaves, or acting protector and guardian of Slaves, or any such assistant protector and guardian of Slaves, shall receive any fee or other emolument besides his salary for, or in respect of any Act done by him, in the execution of his office, he should be liable to be indicted for a misdemeanour, and on conviction thereof in the Supreme Court of Judicature or Courts of Assize of this island, he shall be subject to a penalty not exceeding [ ], and shall for ever thereafter be disqualified from holding such his office: And be it

XII. further enacted by the authority aforesaid, that at the trial of all indictments, whereby any white person or persons of free condition is charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor; and in case any such trial shall take place at the distance of more than [ ] miles from the town of St. Jago de la Vega, the protector and guardian of Slaves, shall direct the assistant protector and guardian whose residence shall be most near to the place of trial, and who shall have no interest in the result of such trial, to attend and act as such public prosecutor: provided always that nothing herein contained, shall be construed to prevent the attorney-general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased, or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such

XIII. prosecution: And be it further enacted by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each and every year, the protector and guardian of Slaves, or acting protector and guardian, shall deliver to the governor or person executing the functions of governor for the time being, a report in writing, of the manner in which the duties of his office have been performed during the preceding half year; which report shall contain a statement of all prosecutions, in which he or such assistants as aforesaid may have acted as the protector of any Slaves, with the dates and proceedings had therein respectively together, with such other particulars as are or may be required by any other Acts of the governor, council, and assembly of this island to be stated therein; and

such report shall be verified by the oath of such protector and guardian of Slaves, or acting protector and guardian, to be administered by the governor, or person executing the functions of governor, for the time being; and when and as soon as the protector and guardian of Slaves, or the acting protector and guardian of Slaves, shall have delivered such report, so verified as aforesaid to the governor or persons executing the functions of governor for the time being, he shall receive from the governor or person executing the functions of governor for the time being, a warrant for the amount of his salary, for the half year next preceding the date of such report, which report shall then be transmitted by the governor or persons executing the functions of governor for the time being, to one of his Majesty's principal secretaries of state: And be it further enacted by the XIV
authority aforesaid, that if the protector and guardian of Slaves, or the acting protector and guardian of Slaves, or any assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by this or any other Act of the common council and assembly of this island, he is or may be required to keep or make or shall wilfully falsify any such book, record, or return, or make any false entry therein, or with evil intent burn, cancel, obliterate, or destroy the same, or any part thereof, he shall be liable to be indicted as for a misdemeanour, and on conviction thereof in the Supreme Court of Assize Court, shall be subject to a penalty not exceeding [ ] or to imprisonment for any time not exceeding [ ] or to both fine and imprisonment at the discretion of the court.

Notes.—Referring to our letter of the 19th of September, to the secretary of his Grace the governor, which accompanies this and the other seven Bills, as expressing the opinion of the law officers of the crown, that their duty was limited to the form and structure of the Bills submitted to them:—We have not considered ourselves called upon to notice in the draft of this Bill, either by way of repeal or otherwise, that part of the 25th section of the Consolidated Slave Law, which constitutes the justices and vestry of each parish, a council of protection, because the duties assigned to that body are of a nature perfectly distinct from those which are committed to the protector and guardian of Slaves, by the provisions of this Bill. In the 9th clause of the heads of the Bill as submitted to us, the governor was empowered to appoint one assistant protector in each parish; as however several of the parishes in this island are of considerable extent, we have deemed it advisable to invest the governor with the power of appointing more than one if necessary. By adopting the ordinary language of the Act of the Jamaica legislature, when speaking of the governor, the 15th clause is rendered unnecessary, and the provisions of the 16th clause are incorporated in the 13th.

(Signed) WILLIAM BURGE, Attorney-General.
(Signed) HUGO JAMES, Advocate-General.

An Act to regulate the Admission of the Evidence of Slaves.

WHEREAS it is expedient to allow Slaves to give evidence in certain cases, provided they are properly qualified from their knowledge of the obligation of an oath,—May it therefore please your Majesty that it may be enacted: be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted, by I.
the authority aforesaid, that every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within this island, and carrying on no other business or occupation with a view to profit, within this island, except that of a schoolmaster, shall be, and he is hereby authorized to transmit or deliver, under his hand, to the protector and guardian of Slaves, or the assistant protector and guardian of Slaves of the parish in which such clergyman, minister, or priest, may be resident, separate certificates setting forth the name, colour, and place of abode, and the name of the owner of any Slave, who, in the judgment and belief of

such clergyman, minister or priest, may be sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath: and which certificate shall express the place of residence of such clergyman, minister, or priest, granting the same, and the date thereof. And the assistant protector and guardian of Slaves of the several parishes in this island, shall transmit such certificates to the protector and guardian of Slaves, who shall transcribe and record the same: and also such certificates as shall have been delivered to himself in a book to be kept by him for that
II. purpose: And be it further enacted by the authority aforesaid, that no priest or minister professing the Roman Catholic religion, as before mentioned, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or person executing the functions of governor for the time being, shall grant to such priest or minister, a written license to grant such certificate, nor unless such license shall continue in force at the time of signing the certificate and shall have been recorded in the office of the
III. Protector and guardian of Slaves; And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no Slave shall be deemed incompetent to give evidence in any of the courts of this island in criminal, in civil cases, or in any inquiry before any magistrate by reason of his or her being in a state of Slavery, provided such Slave shall produce to the court or magistrate, previously to his or her being admitted as a witness, a certified copy, under the hand of the protector and guardian of Slaves, of the entry relating to such Slave in the book hereinbefore mentioned, together with proof that the Slave so produced as a witness, is the person named in such certificate; and which certified copy, the protector and guardian of Slaves is hereby authorized and required to grant without fee or reward:
IV. And be it further enacted and provided by the authority aforesaid, that no Slave shall be deemed competent to give evidence in any action or proceeding of a civil nature, in which his or her owner is interested; and provided also that no Slave shall be admitted to give evidence in any case where any white person, or person of free condition, shall be charged with, or prosecuted for, any capital crime: And provided always, that nothing in this Act shall extend to make a Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to include in the Report, which by law he is directed to make half-yearly to the governor or person executing the functions of governor for the time being, a statement of the name of every Slave who, during the preceding half year, shall have been certified to, and registered by him in manner aforesaid.

NOTE.—All the clauses contained in the heads of the original Bill, submitted to us, have been retained, except the seventh, which is omitted, because, according to the present law of Jamaica, the evidence of a Slave would not be admissible against a white person, or person of free condition.

An Act further to facilitate the Manumission of Slaves, and to enable Slaves, under certain Restrictions, to purchase their own Freedom.

WHEREAS it is expedient to make further provision for facilitating the manumission of Slaves, and to enable Slaves, under certain restrictions, to purchase their freedom: And whereas it is expedient to consolidate the provisions of an Act of the Governor, Council, and Assembly of this island, made and passed in the fifth year of the reign of his present Majesty entitled "An Act for removing Impediments to the Manumission of Slaves, by Owners having only a limited Interest," and for that purpose to repeal the said Act. May it therefore please your Majesty, that it may be enacted: be it therefore enacted by the Governor, Council, and Assembly of this
I. your Majesty's island of Jamaica: And it is hereby enacted by the authority of the same, that from and after the passing of this Act, the said

hereinbefore-mentioned Act, and every clause, matter, and thing therein, shall be, and the same is hereby repealed: And be it further enacted by the authority aforesaid, that no duty, fee, or tax of office shall be paid in II.
this island, by, or on behalf of any Slave, upon, or in respect of the manumission of any Slave, or in respect of the recording of any deed of manumission: but the secretary of this island shall be paid by the public for recording all such manumissions at, and after the rate he is entitled to charge for recording deeds, anything contained in a certain Act of the Governor, Council, and Assembly of this island, entitled, "An Act for raising a Tax by a Duty on Vellum, Parchment, and Paper, ascertained by Stamps, and applying the same to the Public Service," or in any other Act, or any law, usage, or custom, to the contrary thereof in anywise notwithstanding; and if any person shall take or demand any duty, tax, or fee of office, save as aforesaid, such person shall be liable to be indicted for a misdemeanour, and upon conviction thereof, shall be subject to a penalty not exceeding [ ]. And be it further enacted by the authority aforesaid, that if any Slave shall III.
be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of such Slave, it shall and may be lawful for any such Slave so to purchase the freedom of himself, or herself, or of such wife, husband, child, brother, or sister, as aforesaid. And be it further enacted by the authority aforesaid, that if the owner of such Slave shall be unwil- IV.
ling to effect his or her manumission; or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in any such Slave, vested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or any other person, having any other estate or interest in any such Slave, shall be a minor, or married woman, or idiot, or lunatic; or if the owner of such Slave shall be absent from this island, unrepresented by attorney; or if the owner of such Slave shall not be known; or if any action, suit, or other proceeding, shall be depending in any court of justice in this island, wherein the estate, interest, or title to such Slave, or the right to his or her services shall be in dispute, or be contested; or if the owner of such Slave shall demand, as the price of his or her freedom, any sum which, in the judgment of the protector and guardian of Slaves, shall exceed the real value of such Slave, then, and in every such case, the chief justice of this island, or in case such Slave, or his or her owner, or the person having any estate, interest, or title in such Slave, shall reside at a greater distance than [ ] miles from the town St. Jago de la Vega, any assistant-judge of the Supreme Court of Judicature, or justice of assize, on the application of the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a summons in writing, directed to the owner, or his or her attorney, in possession of any such Slave, requiring such owner or attorney to appear within [ ] days after the service of such notice, at a convenient place to be therein mentioned, for that purpose, before such chief justice, assistant-judge, or justice of assize, as the case may be; and the protector and guardian of Slaves, or the assistant protector and guardian of Slaves shall publish, or cause to be published, in the three county newspapers, for three weeks successively, notice of the time and place so appointed for the purpose aforesaid, stating therein the name or names of the Slaves, the place or places where such Slave has been resident for the last twelve months, and by such notice shall require all persons having or claiming any estate, title, or interest in any such Slave, in either his or her own right; or as the trustee, guardian, executor, administrator, or attorney, of any other person or persons, to attend at such time and place, and prefer his, or her, or their claims. And be it further enacted by the authority aforesaid, that V.
at the time and place fixed for such purpose by such summons as aforesaid, the chief justice, assistant-judge, or justice of assize, as the case may be, shall, in the presence of the protector and guardian of Slaves, or of the assistant protector and guardian of Slaves, and also in the presence of the owner or attorney in possession of any such Slave, or in absence of such owner or attorney, after proof having been first made upon oath of the due service of such summons, and of the publication of such notice as aforesaid, shall proceed to hear in a summary way, what may be alleged by the said

protector and guardian of Slaves, or by the assistant protector and guardian, and by the owner or attorney, or other person or persons claiming any title, estate, or interest in the Slave proposed to be manumized; and in case any of the parties having any estate, title, or interest, in or to such Slave, shall refuse to effect such manumission, or in case it shall appear to the said chief justice, assistant-judge, or justice of assize, that a valid manumission of any such Slave cannot be legally effected by private contract, or that the owner of any such Slave, or that any person having any estate, title, claim, or interest in or to him or her, is a minor, or married woman, or idiot, or lunatic, or that the owner or person having any estate, title, claim, or interest in or to him or her, is absent from this island, unrepresented by attorney, or is unknown, or cannot be found, or that any action, suit, or other proceeding, is depending in any court of justice inthis island, wherein the estate, title, or interest in or to the said Slave, or the right to his or her services is in dispute or contested; or in case it shall appear to the said chief justice, assistant-judge, or justice of assize, that any difference of opinion exists between the protector and guardian of Slaves, or the assistant protector and guardian, and the owner or person having the estate, title, or interest in or to any such Slave, or his or her attorney in possession of any such Slave, respecting the price or value of such Slave, then the said chief justice, assistant-judge, or justice of assize, shall require the protector and guardian of Slaves, or the assistant protector and guardian of Slaves, or the owner or person having any estate, title, or interest in or to any such Slave, or the attorney of such owner or other person in possession of any such Slave, to nominate an appraiser of the price or value of such Slave; and the said chief justice, assistant-judge, or justice of assize, shall himself nominate an umpire between such appraisers: and the said appraisers, being first duly sworn before the said chief justice, assistant-judge, or justice of assize, who are hereby respectively empowered to administer an oath to such appraisers, in that behalf to make an impartial appraisement of such price or value, shall, within [ ] days next after such their appraisement, make a joint valuation of the Slave to be manumized, and shall certify such their valuation to the chief justice, assistant-judge, or justice of assize, under their hands and seals; and in case such joint-certificate shall not be delivered to such chief justice, assistant-judge, or justice of assize, within the said space of [ ], then the said umpire, being duly sworn in manner aforesaid, shall, within the next [ ] days, certify his valuation, under his hand and seal, to the said chief justice, assistant-judge, or justice of assize; and the valuation to be made in manner aforesaid, either by the said joint-appraisers, or in their default by the said umpire, shall be binding and conclusive, to all intents

VI. and purposes whatsoever. And be it further enacted by the authority aforesaid, that when and so soon as such valuation shall have been made, the chief justice, assistant-judge, or justice of assize, shall, and he is hereby required to, give an authority to the receiver-general of this island, to receive the amount of such valuation, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisment as is hereinafter directed, and to place the sum, when paid, to the credit of the person or persons interested in the said Slave. And the said amount shall bear an interest of [ ] per centum per annum, payable out of the public funds, so long as the same shall remain in the hands of the receiver-general. And the receiver-general shall give to the protector and guardian of Slaves, or the assistant protector and guardian, a certificate under his hand, that the said sum had been paid to him, and upon the production of such certificate of the receiver-general, to the said chief justice, assistant judge, or justice of assize, he is hereby authorized and empowered to make a declaration under his hand and seal, that the proceedings required by an Act made and passed in the seventh year of the reign of his present Majesty, entitled "An Act further to facilitate the Manumission of Slaves and to enable Slaves under certain Restrictions to purchase their own Freedom." has been duly had before him, touching the Slave in the said declaration to be named; and thereupon such Slave shall be, and be deemed and taken

VII. to be, free to all intents and purposes whatsoever: And be it further en-

acted by the authority aforesaid, that the said valuation, the receiver-general's certificate, and the declaration aforesaid, shall be entered in the office VII.
of the secretary of this island, and be recorded in a separate book for manumission, and shall not be delivered out except under an order of the Court of Chancery or Supreme Court, but shall be kept in the said office, as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals: And be it VIII.
it further enacted by the authority aforesaid, that the amount of the valuation or the interest thereof, shall be paid by the receiver-general under an order of the Court of Chancery or of the Supreme, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature, whether real or personal estate, as the Slave would have been if proceedings under this Act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts, and encumbrances as the Slave was subject to, and it shall be in the power of the said courts, or either of them, to direct the principal or interest thereof to be paid by the receiver-general, according to the rights of the different owners or their creditors: And be it fur- IX.
ther enacted by the authority aforesaid, that in case any Slave manumized in pursuance of this Act, shall have belonged at the time of his or her manumission, to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave after being so manumized, if a male, shall die in the life-time of the tenant for life, or being a female Slave, shall die in the life-time of the tenant for life, without leaving her surviving any child or children, born after the date of her manumission, or such child or children shall after her death die in the life-time of the tenant for life, then and in every such case, the person or persons in remainder, shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life: And be it further en- X.
acted by the authority aforesaid, that in all cases where the appraisement of a Slave shall become necessary under this Act, by reason of the refusal of the owner, or other person or persons, having any estate, title, or interest in or to any Slave, or his, or her, or their attorney in possession, of such Slave, to effect his or her manumission, or by reason of any difference of opinion between the owner or such other person or persons, and the protector and guardian of Slaves, or assistant protector and guardian respecting the price or value of such Slave, the expense of such appraisement shall be borne and sustained equally by, and divided between the owner or such other person or persons and the Slave manumized; and in all cases where the appraisement is made by reason of the inability of the owner or other person or persons having any estate, title, or interest, in or to such Slave, to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of the owner, or such other person or persons as aforesaid, or by reason of the absence of such owner or other person or persons as aforesaid from the island, and being unrepresented therein by attorney, or by reason that the owner is not known, or cannot be found, or by reason of the pendency of any action, suit or proceeding in any court of justice wherein the estate, title, or interest, in or to any Slave, or the right to his or her services is in dispute or contested, then, and in every such case, the expense of the appraisement shall be equally divided between the Slave manumized, and the owner or other person or persons as aforesaid, and so much of such expense as, according to such division as aforesaid would have to be borne and sustained by such owner or other person or persons as aforesaid, shall be deducted from the amount of the valuation. and the residue thereof, after making such XI.
deduction, shall be paid to the receiver-general as aforesaid: And be it further enacted by the authority aforesaid, that before the manumission of any Slave by virtue of any private contract for that purpose, between such Slave and his or her owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian

of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, as is competent to effect such manumission; and the said protector and guardian of Slaves shall also without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose, and being so executed, shall by such protector and guardian of Slaves be recorded in the office of secretary of this island, within one calendar month next, after the date and execution thereof; and in case any such deed shall not be lodged in the secretary's office for the purpose of being recorded, within the said period of one calendar month, the said protector and guardian of Slaves shall incur and be subject to the penalty of [ ] to be recovered in the Supreme Court of Judicature of this island, or either of the Courts of Assize of this island, by action of debt, bill, plaint, or information, wherein no *essoin* or wager of law, shall be allowed or *non vult ulterius prosequi* be entered anything therein contained to the contrary in anywise notwithstanding, one moiety thereof shall be to the use of his Majesty, his heirs and successors, to and for the use of the government of this island, and the contingent charges thereof; and the other moiety shall be to the use of the person who shall sue for the same: and whereas it is now required by law, in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish for the payment of an annuity of five pounds for the maintenance of any Slave intended to be manumized and which bond is in many cases unnecessary: Be it further enacted by the au-

XII. thority aforesaid, that it shall not be necessary to give such bond to the

XIII. churchwardens: Provided always, and be it further enacted by the authority aforesaid, that in case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave so to be manumized shall, before the actual execution of any deed, appear before the said protector and guardian of Slaves, or before the assistant protector and guardian of Slaves for the parish in which such Slave may happen to be resident: and if it shall appear to such protector and guardian of Slaves, or to the assistant protector and guardian of Slaves, as the case may be, that the Slave about to be gratuitously manumized is under the age of [ ] years, or above the age of [ ] years, or is labouring under any habitual disease or infirmity of mind or body, the owner, or other person about to effect such manumission shall, at th time of the execution of the deed of manumission, execute and deliver, under his hand and seal, a bond to his Majesty, his heirs, and successors, in the penal sum of [ ], with a condition thereunder written, for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained, until the age of [ ] years, in the case of infants; or during the term of his or her natural life, in the case of adults of the age of [ ] years; or labouring under any such sickness or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of the secretary of this island, until such bond as aforesaid shall be duly

XIV. executed and recorded: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to, include in the half-yearly report to the governor, or person executing the functions of governor for the time being, as he is by law required, to make a statement of the names of all the Slaves manumized under the authority of this Act.

Notes.—It is more simple, and more in conformity with the practice adopted in the Acts of the Jamaica legislature, when it is intended that the colonial treasury should reimburse the secretary for recording any instrument, to make him a creditor at once on the public, and his charge against the public, is annually audited and paid during the sitting of the Assembly.

From the great extent of the island of Jamaica, it would be highly inconvenient, and would be productive of considerable delay, if the duties

assigned to the chief justice alone, by the heads of the Bill submitted to us, relative to the manumission of Slaves, could not be concurrently exercised by the assistant judges and justices of assize. We have therefore given them a concurrent jurisdiction with the chief justice.

An Act having passed the legislature in the Session of 1824, "for removing Impediments to the Manumission of Slaves by Owners, having only a limited Interest," it appeared to us advisable to repeal that Act in express terms, because the present Bill necessarily includes the cases provided for by that Act. We have, however, adopted the 4th, 5th, and 6th Sections of that Act, as they were framed with an attentive consideration to the best means of securing the rights of all parties interested, and as they, at the same time, embrace the object contemplated by the 6th Clause in the heads of the Bill submitted to us. It seemed also necessary to give to the tenant for life, not merely the interest, but also the principal of the price of the manumission, in case the Slave manumized, if a male, died in the life-time of such tenant for life, or if a female, without leaving her surviving any children,

We have introduced the 13th Clause, dispensing with the necessity of giving the usual bond to the churchwardens, and have provided by the 13th Clause of the annexed Bill, for the case of a manumission effected for the purpose of relieving the owner from the expense of maintaining an infirm Slave, which was provided for by the 9th Clause of the heads of the Bill submitted to us.

(Signed) WILLIAM BURGE, Attorney-General.
HUGO JAMES, Advocate-General.

An Act to Regulate the Celebration of Marriages among Slaves, and for declaring such Marriages Valid and Effectual in the Law.

WHEREAS it is expedient to promote marriages amongst Slaves. May it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted by the authority of the same, I. that from and after the passing of this Act, Slaves desirous to intermarry, shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant protector and guardian of Slaves of the parish in which the female Slave may reside, for a marriage license, producing the consent in writing to such marriage, of their owners, or of the attorney or attornies in the possession of such Slaves. And be it further enacted by II. the authority aforesaid, that if the owner or attorney in possession of both or either of such Slaves, shall refuse his or her consent to their marriage, and shall not give his or her permission in writing, for the celebration thereof, the protector and guardian of Slaves, or the assistant protector and guardian of Slaves, shall cause a written notice to be served on such owner or attorney requiring him or her to appear before such protector and guardian of Slaves within [ ] days after the service of such notice, at a convenient place to be mentioned therein for that purpose. And if such owner or attorney shall neglect to appear according to such notice, or shall not show sufficient cause why such marriage should not be celebrated, the protector and guardian of Slaves, or the assistant protector and guardian, shall, and he is hereby authorized and required to issue a license for celebrating such marriage, and for which license no fee or reward shall be demanded or taken by such protector and guardian of Slaves, or assistant protector and guardian. And be it further enacted by the au- III. thority aforesaid, that such license shall give authority to any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such Slave, provided that no public teacher of religion, not being a clergyman of the Church of England,

or a minister of the Kirk of Scotland, or a priest or curate, professing the Roman Catholic religion, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or person executing the functions of governor of this island for the time being, shall grant to such public teacher a written license to celebrate marriages, nor unless such license shall have been registered in the office of the protector and guardian of Slaves, and shall continue in force at the time of his being so authorized to solemnize any such marriage, any thing in a certain Act of the Governor, Council, and Assembly of this island, made and passed in the sixth year of the reign of his present Majesty, entitled "An Act to consolidate and amend the several Laws relating to the Clergy of this island, and to invest the Bishop of Jamaica with ecclesiastical Jurisdiction," to the contrary

IV. thereof in anywise notwithstanding. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solemnized, shall, to all intents and purposes, be valid, binding, and effectual in the law: Provided always that such marriage shall not confer on any such Slaves, or their issue, any rights inconsistent with the duties which such Slaves owe to their owner or owners, or to the government, and shall not prejudice or abridge any rights whatsoever, which the owner or owners, or the government respectively are, or is by law entitled to in regard to such

V. Slaves respectively, and their issue. And be it further enacted by the authority aforesaid, that the clergyman, minister, priest, curate, or licensed religious teacher, by whom any such marriage shall have been solemnized, by virtue of any such license as aforesaid shall, within [ ] next after the solemnization thereof, under a penalty not exceeding the sum of [ ] nor less than [ ] transmit to the protector and guardian of Slaves at his office, a certificate of the solemnization of such marriage; and such protector and guardian of Slaves, shall register in a book to be kept by him for that purpose, every marriage which shall have been so certified to him to have been solemnized, with the date thereof, and the names, descriptions, and places of abode of the Slaves married, and of the clergyman, minister, priest, curate, or licensed religious teacher solemnizing

VI every such marriage: Provided always, and be it further enacted, by the authority aforesaid, that this Act shall not extend or be construed to extend, to render valid any marriage between Slaves, which would be invalid

VII. if celebrated between persons of free condition. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall and he is hereby required to include in the report, which by law he is directed to make half yearly to the governor or person exercising the functions of governor of this island for the time being, a statement of the number of marriages which shall have been celebrated in manner aforesaid, and certified to him under the provisions before mentioned in the preceding half

VIII. year. And be it further enacted by the authority aforesaid, that the penalties incurred under this Act, shall be recovered in the Supreme Court of Judicature of this island, by action of debt, bill, plaint, or information wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered, one moiety whereof shall be to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to him; her, or them, who shall sue for the same.

NOTE.—In preparing the draft of this Bill, it was necessary to advert to the ecclesiastical Act of the last sessions, which allowed ministers of the Established Church only to solemnize the marriage of Slaves.

(Signed) WILLIAM BURGE, Attorney-General.
(Signed) HUGO JAMES, Advocate General.

An Act for the Suppression of Public Markets on Sundays, and for preventing Slaves being compelled to Labour on that Day.

WHEREAS it is expedient to enact regulations for the more strict observance of the Sabbath-day, may it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly, of this your Majesty's island of Jamaica. And it is hereby enacted I. by the authority of the same, that from and after the thirty-first day of December, in the present year of our Lord, one thousand eight hundred and twenty-six, if any white person, or person of free condition, shall on Sunday, after the hour of ten o'clock in the forenoon; expose any goods, wares, merchandise, or provisions, of any description, for sale, or barter in any public market, or in any shop, house, stall, or booth, or shall on any Sunday, after the hour aforesaid, and in any of the places before mentioned, buy or sell any such goods, wares, merchandise, or provisions, of any description, or attend at any such market for the purpose of buying, or selling, any such goods, wares, merchandise, or provisions, of any description, such person shall be liable to the same punishments, penalties, and forfeitures, to which persons so offending, in that part of the United Kingdom of Great Britain and Ireland called England, are liable by any law now in force there. And if any Slave shall expose to sale on Sunday, after the hour of ten in the forenoon, in such place or places as aforesaid, any goods, wares, merchandise, or provisions of any description, such goods, wares, merchandise or provisions, so exposed to sale, shall be forfeited; and shall and may be seized by any lawful constable, and be taken on the following day before any justice of the peace, who, upon proper and sufficient proof, shall order the same to be sold forthwith, and the proceeds of such sale shall be applied as follows: (that is to say,) one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct. And be it further enacted by the authority II. aforesaid, that when and so soon as a proclamation shall be issued, as hereinafter mentioned, for the total abolition of markets on Sunday, all and every the acts hereinbefore prohibited to be done after the hour of ten in the forenoon, shall be unlawful, if done at any time of the Sunday, and shall subject the party offending to the punishments and penalties, and the property exposed to sale to the forfeiture before mentioned. And be it further enacted by the authority aforesaid, that it shall and may be lawful III. for his Majesty to direct the governor, or person exercising the functions of governor for the time being, to issue in his Majesty's name a proclamation for the abolition of all markets throughout the island on Sunday; and from and after the period limited in such proclamation, all markets on Sunday shall be absolutely unlawful. Provided always, and be it further enacted IV. by the authority aforesaid, that nothing in this Act contained shall extend to prevent the sale of fresh meat, or fresh fish, or milk, on Sunday, provided that such sales shall not take place in any town or place during the hours appointed and set apart for the celebration of divine service therein. And provided also, that this Act shall not extend to prevent the sale of medicines, nor to the keeping open any tavern, or lodging-house, during any part of Sunday. And be it further enacted by the authority aforesaid, V. that if the owner, or other person in the possession or management, of any Slave shall work, or employ such Slave, between the hours of ten at night on Saturday and sun-rise on the following Monday, or shall procure, induce, or compel, such Slave to engage, during the period aforesaid, in any labour for the profit or advantage of such owner, or person in the possession and management, of such Slave, every person so offending shall be subject to a penalty not exceeding [ ] nor less than [ ] to be recovered in the Supreme Court of Judicature, of this island, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi*, shall be entered, one moiety whereof shall be to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to him, her, or them, who shall sue for the same. And be it further enacted by the authority aforesaid, that if any white person, or VI.

person of free condition, shall hire any Slave to work between the hours of ten o'clock on Saturday night and sun-rise on the following Monday, for wages, or for any other consideration, such person so hiring such Slave shall be subject to the same penalty as if he or she were the owner, or in the possession and management, of such Slave. Provided always, and be
VII. it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to prohibit any labour being performed by any Slave or Slaves on Sunday, in the necessary attendance upon the person, or in the family of his, her, or their owners or employers, nor to prevent the performance of any necessary labour by any Slave or Slaves, in the preservation of, or attending, the cattle, or live stock, on any planta tion, penn, or settlement, nor to prohibit Slaves from being employed as watchmen on any plantation, penn, or settlement, or in nursing, or attendance on the sick, or in performing or making preparation for any interment, or in extinguishing any fire, or in preventing any immediate loss, injury, or danger, to the property of his or her owner or employer. And no Slave so employed by his or her owner or employer on Sunday shall be entitled to any hire or wages for such Services.

Notes.—No such usage, or supposed prescription, exists in any part of this island, as the fifth clause of the original heads of the Bill contemplates; and that clause, therefore, is unnecessary, and has been omitted.

We have not considered it necessary to introduce the ninth and tenth clauses of the original heads, because they provide for a necessity which the legislature of the island considered need not exist; for, on a reference to the fifth clause of the Consolidated Slave Law, it will be found to be enacted, that "during the crop, not only shall the Slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mill shall be put about, or worked, between the hours of seven on Saturday night, and five o'clock on Monday morning." We apprehend that it must, therefore, have been considered that, by a provident arrangement during the week, no produce need be placed in such a situation as to require the labour of Slaves on Sunday.

(Signed) WILLIAM BURGE, Attorney-General.
HUGO JAMES, Advocate-General

An Act to enable Slaves to acquire Property, and to make Provision for the safe-keeping of such Property, by the Establishment of Banks for Savings.

WHEREAS by the usage of Jamaica, persons in a state of slavery have hitherto been permitted to acquire and enjoy property, free from the control of their owners, and it is expedient that such laudable custom should be recognised and established by law, and that the provisions contained in the clauses of the Consolidated Slave Law next hereinafter mentioned, which are inconsistent with such usage, should be repealed. May it therefore
I. please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the 39th, 40th, and 48th Sections of an Act made and passed in the 57th year of his late Majesty's reign, entitled, "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection, for preventing the improper Transfer of Slaves, and for other Purposes," commonly called the Consolidated Slave Law, shall be, and the same are hereby
II. severally repealed: And be it further enacted by the authority aforesaid, that no person in this island, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed to be, incompetent to purchase, acquire, hold, alienate, or dispose of property, but that every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, receive, possess, hold, alienate, and dispose of lands situate in

Jamaica, or money, cattle, implements, or utensils of husbandry, or household furniture, and other effects of such or the like nature of what value and amount soever, as fully and amply to all intents and purposes, as if he or she were of free condition: Provided always that nothing in this Act contained shall be construed to extend to repeal so much and such part or parts of the said Act hereinbefore mentioned, commonly called the Consolidated Slave Law, as prohibits any Slave or Slaves from having in his, her, or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs, or ball, without the knowledge of his, her, or their owner, proprietor, or possessor, or his, her, or their overseer: And provided always that nothing in this Act contained shall be construed to extend to repeal so much of a certain other Act of the President, Council, and Assembly of this island, made and passed in the 8th year of the reign of his late Majesty King George II., entitled, "An Act to prevent Hawking and Pedling, and disposing of Goods clandestinely;" or of a certain other Act of the Governor, Council, and Assembly of this island, made and passed in the 50th year of the reign of his late Majesty King George III., entitled, "An Act to repeal an Act for preventing Depredations on Coffee, and produce, and for discovering and punishing Receivers of stolen Produce, and for better regulating Certificates of the Growth of such Produce, and for making further Provision against the Evils contemplated in the said Act," as prohibits any Slave, from selling, disposing of, or possessing any of the articles of produce which he or she is, by the said two last-mentioned Acts, or either of them, prohibited from selling or disposing of, except or otherwise than with the permission, and in the manner and under the circumstances therein mentioned: And be it further enacted by the III.
authority aforesaid, that it shall and may be lawful for the protector and guardian of Slaves to bring, maintain, prosecute, and defend any suit or action in any court of justice in this island, in behalf of any Slave or Slaves, for or in respect of any such property as he, she, or they are by this or any other Act of the legislature of this island rendered competent to purchase, acquire, receive, possess, hold, alienate, or dispose of *any thing* in the proviso contained in a certain Act of the Governor, Council, and Assembly of this island, made and passed in the 6th year of the reign of his present Majesty, entitled, "An Act to enable Slaves to receive Bequests of Money or other personal Estate," or any other act, law, usage, or custom to the contrary thereof in anywise notwithstanding: And be it further enacted IV.
by the authority aforesaid, that for the better preserving the property of any such Slaves, banks for savings shall, from and after the passing of this Act, be established within this island, and interest, at the rate of [ ] per centum per annum, shall be allowed upon every sum deposited as hereinafter mentioned: And be it further enacted by the authority afore- V.
said, that the savings banks throughout this island shall be under the protection and control of the protector and guardian of Slaves; and the governor of this island, or the person exercising the functions of governor for the time being, shall, and he is hereby authorized and empowered to appoint a manager and managers for such savings banks, and such other officers, and make such necessary rules and regulations as will be best adapted for conducting and managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may there be deposited: Provided always that such regulations shall not be repugnant to this Act, and that the same be transmitted to his Majesty's principal Secretary of State for the Colonies, for his Majesty's approbation thereof: And be it further enacted by the VI.
authority aforesaid, that the several officers so to be appointed as aforesaid, and who, by virtue of such appointment, shall have the charge and care of such savings banks, shall, at such times as may be appointed and fixed for that purpose by the rules and regulations to be made by the governor, or person exercising the functions of governor for the time being as aforesaid, pay over and deliver, or cause to be paid over and delivered, to the receiver-general of this island for the time being, all such sum and sums of money as shall have been deposited in the savings banks under their care and charge respectively; and which said sum and sums of money so paid

and delivered to the receiver-general shall, from the time and times respectively when they shall have been so paid, and until payment thereof to the Slave or Slaves, or other person or persons entitled thereto, respectively be deemed and taken as so much lent to and borrowed by the public of this island, and for the payment of which, and also of interest, at and after the rate of [ ] per centum per annum, the public faith of this island shall stand pledged to the Slave or Slaves, or person or persons entitled to receive the same, and the receiver-general for the time being shall, out of the public funds of this island, pay such principal and interest to the Slave or Slave, person or persons entitled thereto; and for the due performance of this duty in this behalf, and for the punctual payment of such principal and interest as aforesaid, the receiver-general shall enter into such security to his Majesty, his heirs, and successors in such sum of money as the commissioners for stating and settling the public accounts,

VII. shall from time to time direct: And be it further enacted by the authority aforesaid, that the several officers so to be appointed as aforesaid to take charge of the said several savings banks to be established in this island as aforesaid, shall, at the time of their respective appointment, enter into such good and sufficient security to his Majesty, his heirs, and successors, as shall be approved by the governor, or person executing the functions of governor for the time being, for the due performance of their duty, and faithful observance of the rules and regulations which may be made for such savings banks, and for the punctual payment and delivery over to the receiver-general of this island for the time being, of all such sum or sums of money of such Slaves as may from time to time be deposited in such savings

VIII. banks: And be it further enacted by the authority aforesaid, that any Slave who shall make a deposit of any money in any such savings banks as aforesaid, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of any money so deposited shall be paid, and that such declaration shall be recorded in a book to be kept for the purpose at the savings bank where such deposit may have been made; and that upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in case such Slave shall not have made any other disposition thereof. And that in case any Slave should marry after having made such declaration, his or her marriage shall be deemed and taken to be a revocation of such declaration. And if any such Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the amount of the money so deposited by such Slave shall be disposed of in favour of such persons as by virtue of the statutes of distribution of intestate's estates, would, according to the law of England,

IX. be entitled to such property. And be it further enacted by the authority aforesaid, that no deposit of money shall at any one time, or in any one week, be received at any banks for savings, from any Slave, exceeding the sum of [ ] in the whole, unless at the time of tendering such deposit, such Slave shall produce the consent, in writing, of the owner or attorney in possession of such Slave, to such deposit being made by him or her; and if any Slave shall be desirous at any one time, or in any one week, to make a deposit exceeding the sum of [ ], and the owner or attorney shall refuse his or her consent, then, and in such case, the protector and guardian of Slaves, upon application being made to him for that purpose, shall cause a written notice to be served on such owner or attorney, requiring him or her to appear before such protector and guardian within [ ] days after the service of such notice, at a convenient place to be mentioned therein, for that purpose; and if such owner or attorney shall neglect to appear according to such notice, or shall not show sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and

X. the same shall be received by him accordingly. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to, include in his half-yearly report to the governor, or person exercising the functions of governor for the time being, as

he is by law directed to make, the amount of the several sums of money which shall have been in the preceding half-year deposited in any of the savings banks in this island, and also of such sums as shall have been paid over in such preceding half-year to the receiver-general, as hereinbefore directed and appointed.

NOTES.—Although the usage recited in the preamble has been as prevalent and as much respected in Jamaica as in any other of his Majesty's colonies, yet there are enactments at variance with it: thus the 39th and 40th clauses of the Consolidated Slave Law, prohibited any Slave from keeping a horse, mare, mule, or gelding, and require an oath to be made by the person having any charge of the property, that no Slave thereon was possessed of this description of stock; and the 58th clause contains a provision respecting the possession of fresh meat by Slaves, which is entirely disregarded in practice, and is contrary to the usage which prevails on every estate. We have of course repealed these three clauses. The 48th section of the Consolidated Slave Law contains a similar prohibition to that which was inserted in the first clause of the Heads of the Bill submitted to us. We have adopted the terms in which the prohibition is expressed in the 48th clause of the Consolidated Slave Law, and we have continued the prohibition relative to the staple commodities of the island, enacted in 8th Geo. II., c. 6; and 50 Geo. III., c. 20.

As the chief justice would necessarily have to sit on the trial of any action brought to recover the property of a Slave, if it exceeded in value the sum of twenty pounds, so as to give the Supreme Court jurisdiction, it does not appear proper that the right of bringing such action should be submitted to him. To have left it in the discretion or power of the owner to bring such action, would be inconsistent with the right of property conceded to the Slave: there appeared, therefore, no other alternative than to vest the power of bringing the action in the officer to whom the protection of the Slaves was delegated, and we have, for this purpose, framed the third clause in the annexed draft, which will also embrace the power of suing for legacies and bequests under the Act passed in the last session—6 Geo. IV., c. 19.

From the great extent of the island of Jamaica, it would be necessary, for the purpose of giving full effect to the establishment of savings banks, to form one or more banks in each parish. Considering the numerous persons who would thus become intrusted with deposits, it appeared to us that the only mode, by which we could effect substantial security to the persons making such deposits, would be to require the managers of the banks to transmit the same to the receiver-general, and to render the public funds of the island a security for the payment of principal and interest of such deposits. We have provided for security being given, as well by the managers of the several banks as by the receiver-general.

(Signed) WILLIAM BRUGE, Attorney-General.
(Signed) HUGO JAMES, Advocate-General.

An Act to prevent the Separation of Slaves, being Members of the same Family, by any legal Process.

WHEREAS in, and by a certain Act of the President, Council, and Assembly of this island, made and passed in the eighth year of the reign of His late Majesty, King George the Third, entitled, "An Act for the more effectual directing the Marshal's Proceedings, and regulating thereof," provision is made for the sale of Slaves in families; and whereas, according to the practice of the several courts of this island, the sale of Slaves in families, is enforced; and whereas, it is expedient to enjoin by legislative enactment, a due and strict observance of such salutary practice, as well in the several courts of this island, as by all officers who are by law authorized to make levies on Slaves, may it therefore please your Majesty, that it may be enacted: Be it therefore enacted by the Governor, Council, and Assembly,

I. of this your Majesty's island of Jamaica: And it is hereby enacted, by the authority of the same, that in the execution of any judgment, sentence, or decree, or order of any court of justice within this island, or in any levy made by any collecting constable, it shall not be lawful to levy on, seize, or sell, any Slave, having a husband, or wife, or a child, under the age of [ ] years, or a reputed husband, or wife, or child, under that age, who may be the property of the same persons, or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one, and the same lot, and to the same persons, or person; and that if in the execution of any such judgment, sentence, decree, order, or levy, any Slave, or Slaves, shall be sold separate, or apart from any such husband, or wife, or child, or reputed husband, or wife, or child, as aforesaid, such sale, execution, or levy, shall be absolutely null and void

II. in the law, to all intents and purposes whatsoever: And be it further enacted by the authority aforesaid, that if the provost marshal, or his deputy, or deputies, or any other officer, or person making any levy upon Slaves, under any writ of execution, or judicial process, shall be unable to ascertain whether any Slave so levied upon, has, or has not, a husband, or wife, or child, or reputed husband, wife, or child, under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost marshal, deputy marshal, or other officer, or person to make a special return of any such circumstance to the court, by which the execution, or other process, has been awarded; and in case the person making such levy, shall be a collecting constable, or his deputy, such return shall be made to the Supreme Court of Judicature, except in any case where the collecting constable, or his deputy, shall have made a levy on any Slave, under, and by virtue of any order of the Court of Chancery of this island, in which case such return shall be made to the said Court of Chancery, and thereupon the said court, to which such return shall be made, shall direct a copy thereof to be transmitted to the protector and guardian of Slaves, and upon hearing what may be alleged by such protector and guardian, and by the several parties in the action, cause, suit, or proceeding in, or in respect to which such execution, or process had been awarded, and in case of a levy, or levies, made by any collecting constable, or his deputy, after hearing what may be alleged, as well by the said protector and guardian, as by any other persons interested in the said levy, and the collecting constable shall decide whether the Slave so levied on, hath, or hath not, any husband, or wife, or child, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said persons, or person, and such court shall make an order upon such provost marshal, or his deputy, or collecting constable, or other officer requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

Notes.—Although it might seem from the language of the 8th Geo. II. Cap. 5, that it was not imperative on the provost marshal to sell in families, yet it has been the practice both in the courts of law and equity, in this island, to enforce a sale in families. We have, therefore, considered ourselves fully warranted in introducing the preamble in the annexed draft.

We have extended the provisions of this Act to levies, made by collecting constables, for taxes, and in the latter case we have referred the question, whether the Slave levied on, belong to a family, to the decision of the Supreme Court, unless the Slaves have been in the hands of a receiver when as the levy could only be made with the sanction of the Court of Chancery, the reference is made to that court.

(Signed) WILLIAM BURGE, Attorney-General.
(Signed) HUGO JAMES, Adjutant-General.

AN Act to regulate the Punishment of Slaves under judicial Sentence, or by the Authority of the Owner or other Person having the Management of Slaves.

WHEREAS it is expedient to make further regulations for preventing abuses in the punishment of Slaves, under judicial sentence, or by the authority of the owner, or other person having the management of Slaves:—May it therefore please your Majesty, that it may be enacted; be it therefore enacted, by the Governor, Council and Assembly, of this your Majesty's island of Jamaica. And it is hereby enacted by the authority of the same, I. that in all prosecutions which may hereafter be commenced in any court of judicature in this island, wherein any Slave may be charged with any offence punishable by death, imprisonment for life, or transportation, the like notice of trial shall be given to the protector and guardian of Slaves, as by an Act of the Governor, Council and Assembly of this island, made and passed in the fifty-seventh year of the reign of his late Majesty, King George the Third, entitled "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection for preventing the improper transfer of Slaves, and for other Purposes" is required to be given to the owner, proprietor, or possessor, or to the attorney, or other representative, or possessor of such Slave, against whom such prosecution has been commenced. And the protector and guardian of Slaves is hereby required to attend at the trial, and other proceedings, had in every such prosecution, as the protector of such Slave: and in his or her behalf, and to act therein in such manner, as may be most conducive to the benefit of such Slave. And that if such trial shall take place at the distance of more than [ ] miles from the town of Saint Jago de la Vega, the protector and guardian of Slaves shall direct the assistant protector and guardian whose residence may be most near to the place where such trial shall be had, to attend and act therein for the benefit of such Slave. And if such assistant protector and guardian is any way interested in the result of such prosecution, then the said protector and guardian of Slaves shall direct, such assistant protector and guardian, who may reside nearest to the place where such trial shall be had, and who has no such interest therein, to attend and act therein, as aforesaid, and the protector and guardian of Slaves, and the assistant protector and guardian of Slaves, shall be allowed in all such trials and proceedings, to act for the benefit of every Slave in the same manner as by the law of this island, any counsel or attorney at law, may, upon the like occasion, act for the benefit of any Slave or person of free condition.—And be it further enacted by the authority aforesaid, that it shall be unlawful II. for any person within this island, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves, in, or upon, the cane pieces, or fields of, or upon any plantation, penn, or settlement, or to use any such whip, cat, or other instrument of the like nature for the purpose of impelling or coercing any Slave or Slaves, to perform labour of any kind whatsoever, or to carry, or to exhibit upon any plantation, penn, or settlement, or elsewhere, any such whip, cat, or other instrument as aforesaid, as an emblem of the authority of the person so carrying the same, over any Slave or Slaves; and any person who shall offend herein, or who shall direct, instigate, or abet the commission of any, or either of the acts hereby declared to be unlawful, shall be guilty of a misdemeanour. And be it further enacted by the authority aforesaid, III. that it shall be unlawful for any person to inflict in any one day upon any male Slave, for any offence, upon any ground, or for any cause, or reason whatsoever, more than [ ] lashes, in the whole, or to inflict upon any such male Slave, any punishment, by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating, or to inflict upon any male Slave any punishment by the whipping or beating of his person, until twenty-four hours shall have elapsed, from the time of the commission of the offence, in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any

such punishment, unless one person of free condition shall be present at and witness the infliction of the whole of such punishment, other than the person by whom, or by whose authority, the punishment may be inflicted; and every person who shall inflict, direct, instigate, or abet, the infliction of any such punishment of any male Slave, as hereinbefore declared to be unlawful, shall be guilty of a misdemeanour, anything in the said hereinbefore mentioned Act of the Governor, Council, and Assembly of this island, commonly called the Consolidated Slave Law, or any other Act, law, or usage, to the contrary thereof, in anywise notwithstanding. Provided always, that nothing in this clause shall be construed to extend to any punishments which may be awarded against, or inflicted on any Slave, under and by virtue of the sentence of any court of competent jurisdic-
IV. tion in this island.—And be it further enacted by the authority aforesaid, that it shall not be lawful to punish by whipping, any female Slave for any offence committed, or alleged to be committed by her, anything contained in the said Act, commonly called the Consolidated Slave Law, or any other Act of the legislature of this island, or any law, custom, or usage, to the contrary thereof, in anywise notwithstanding, and every person who shall inflict, or direct, or instigate, or abet the infliction of any such punishment, on any female Slave, shall be guilty of a misdemeanour: Provided always, that nothing in this clause contained, shall be construed to extend to prevent the owner, or his or her attorney in possession of any female Slave under the age of [ ] years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner and to the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth
V in this island: And be it further enacted by the authority aforesaid, that all crimes and offences which may hereafter be committed by any female Slave or Slaves, and which were heretofore punished by flogging, shall hereafter be punished at the discretion of the court of justice, or justice of the peace, having competent jurisdiction in that behalf, or the owner, attorney, manager,or overseer, directing such punishment in one or the other of the following modes, that is to say:—By solitary confinement with or without work, in any proper place for that purpose in the goal or workhouse, where such punishment is awarded by such court, or justice of the peace, or on the plantation, penn, or settlement, where such punishment is awarded by the owner, attorney, manager, or overseer; and that no such place of confinement shall be used for any such purpose, unless, and until some practitioner of medicine in this island, and the protector and guardian of Slaves, or the assistant protector aud guardian of Slaves of the parish where the same is situate, shall have signed a certificate in writing, approving of such place of confinement, which certificate shall be transmitted to and deposited in the office of the protector and guardian of Slaves. And also provided that no such solitary confinement shall be continued more than [ ] for any one offence, and that no female Slave shall be punished by solitary confinement, more than [ ] in any one calendar month: Secondly. By field stocks, or confinement of the hands during the hours of labour in the field, provided that the period of such last-mentioned confinement, shall not at any one time exceed [ ] and shall not be repeated a second time until [ ]. Thirdly. House stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of such confinement shall not exceed [ ] for any one offence, and that no such punishment as last aforesaid, shall be repeated twice within the period of [ ]. Fourthly. Bed stocks for the confinement of the feet during the night, provided that no such punishment as last aforesaid, shall be repeated within [ ]. Fifthly. Distinguishing dresses to be used either with or without the stocks, provided that such last-mentioned punishment be not continued more than once for any one offence, and that the same be not repeated within [ ]. Sixthly. Confinement either solitary or otherwise, during one of the hours of noon, with or without work during such confinement, provided that no such punishment as last mentioned be repeated

within the period of [ ]. And be it further enacted by the au- VI.
thority aforesaid, that if any person shall repeat any or either of such punishments as aforesaid, at an earlier period than is hereby allowed, or shall continue any or either of such punishments beyond the period hereinbefore limited for that purpose, or shall place any female Slave in solitary confinement, in any place which hath not been approved of in manner aforesaid within [ ] next, preceding such confinement, or shall use any stocks for the purpose of punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of wholesome food, and with a proper supply of water, or who shall punish any woman known, or suspected by him or her to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of miscarriage, shall be guilty of a misdemeanour. VII.
And be it further enacted by the authority aforesaid, that in any case in which a male Slave now by law punishable by flogging, it shall and may be lawful for any court of justice, or justice of the peace, having jurisdiction therein, or any owner, attorney, manager, or overseer, to substitute for such flogging any or either of the punishments before mentioned: Provided that the conditions and regulations aforesaid, as far as the same are applicable to the case of male Slaves, is duly observed: And be it further enacted VIII.
by the authority aforesaid, that it shall not be lawful for any owner, attorney, manager, or overseer, to inflict any or either of the punishments aforesaid on any Slave, until twenty-four hours shall have elapsed from the time of the commission of the offence, for which any such punishment may be so inflicted, nor unless one person of free condition be present at, and witness the infliction of such punishment: And be it further enacted by the authority aforesaid, that every owner, or person, having the care, management, or IX
possession of any plantation, penn, or settlement within this island, or of any jobbing gang, exceeding [ ] in number, shall keep a book to be called "The Punishment Record Book," and it shall be the duty of every such owner, manager, or other person, to enter and record in the said book, at or immediately after, the time of inflicting any or either of the punishments hereby permitted to be inflicted on any female Slave, or on any male Slave, who may be punished in any one day with any number of stripes exceeding [ ], or who shall receive any or either of the other punishments hereby authorized to be inflicted, a statement of the nature and particulars of the offence for or in respect of which such punishment may have been inflicted, and of the time at which, and the place where, such offence was committed, and of the time at which, and the place where, such punishment was inflicted, and of the nature, extent, and particulars, of such punishment; and in the cases of male Slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, such punishment was inflicted, and of the person or persons of free condition who was or who were present and attending at the infliction of every such punishment; and if any person shall neglect to make such entries in the punishment record book, or shall not make such entry within [ ] next after the infliction of every such punishment, such person shall be subject to a penalty not exceeding [ ] nor less than [ ] current money of this island. And if any person shall wilfully or fraudulently make a false entry or erasure in any such book, or shall, with evil intent, burn, destroy, cancel, or obliterate, the said book, or any part thereof, or any entry therein, such person shall be guilty of a misdemeanour. And be it further enacted by the authority aforesaid, that every person who is hereby required to keep a punishment record book, shall, on the first Monday next following the fifth day of April, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December, in each year, repair to the assistant protector and guardian of Slaves, of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his punishment record book, and shall take the following oath, which such assistant protector and guardian of

Slaves is hereby authorized and empowered to administer: "I, A. B., the owner (manager, attorney, or overseer, as the case may be,) of the plantation, penn, or settlement, called [ ] in the parish of [ ] in the island of Jamaica, or of the jobbing gang worked by me, as the case may be, do make oath and say, that the writing hereunto annexed contains a true and correct copy of every entry which, since the [ ] day of [ ] last past, hath been made in the punishment record book, of the before-mentioned plantation, penn, or settlement (or of the said jobbing gang, as the case may be). And I do further swear, that the said punishment record book hath been punctually and accurately kept since the said day of [ ] in the manner by law required; and that no fraudulent erasure, or false entry, hath been made therein by me, or by any person, by my procurement, or with my knowledge, privity, or consent." And be
X it further enacted by the authority aforesaid, if any owner, attorney, manager, or overseer, shall not, in the first succeeding quarter after the first day of January, one thousand eight hundred and twenty-seven, or in any subsequent quarter, have inflicted any or either of the punishments which is or are required by this Act to be recorded as aforesaid, then instead of the oath hereinbefore required, he shall take and subscribe before the assistant protector and guardian of Slaves of the parish in which he may be resident, the following oath: *viz.* "I, A. B., do swear that from the [ ] day of [ ] now last past, no punishment hath been inflicted by me, or by my orders, or with my knowledge, privity, or consent, on any Slave belonging or attached to the plantation, penn, or settlement, called [ ] situate in the parish of [ ] or belonging to the jobbing gang, whereof I am owner, (attorney, manager, or overseer, as the case may be), excepting punishments inflicted on male Slaves not exceeding three lashes; and I further swear, that no entry of any such punishment hath, since the [ ] day of [ ] been made in the punishment record book of the said plantation, penn, or settlement, or of the said
XII. jobbing gang. So help me God." And be it further enacted by the authority aforesaid, that the assistant protector, and guardian, of Slaves, of each parish within this island, shall, and he is hereby required [ ] days before the time when, by this Act, such transcripts of such entries are required to be made and produced to such assistant-protector and guardian of Slaves as aforesaid, to furnish, or cause to be furnished, to the owner, attorney, manager, or overseer, of every plantation, penn, or settlement, or of any jobbing gang, situate or worked within such parish, a printed blank form of the hereinbefore-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving such transcripts, and administering the oaths aforesaid. And every such assistant protector and guardian of Slaves shall attend from day to day for [ ] successive days for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person, liable to make and verify such transcript as aforesaid, is rendered incapable by sickness of attending for that purpose, then such assistant protector and guardian shall attend every such person at his or her place of abode, for the purpose of receiving and taking such transcripts and affidavits as afore-
XIII. said. And be it further enacted by the authority aforesaid, that if any person shall refuse or neglect to make and produce such transcripts, or to take such oaths as are required by this Act, such person shall for every such refusal or neglect, forfeit the penalty of [ ] to be recovered in the Supreme Court of Judicature of this Island, or in either of the Courts of Assize, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered, one moiety of which penalty shall be paid to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the informer or him, her, or them, who shall sue for the same. And if any person who by this Act is required to make, produce, and verify any such transcript, shall be a quaker, he or she may, and is hereby permitted to verify the same upon his or her solemn affirmation. And be it

further enacted by the authority aforesaid, that the assistant protector and guardian of Slaves of each and every parish, shall, and he is hereby required to transmit to the protector and guardian of Slaves, at his office in St. Jago de la Vega, the several transcripts made and produced to him as aforesaid, together with the original affidavits thereto annexed within [ ] next after such quarterly returns are completed ; and if any such assistant protector and guardian of Slaves shall himself be the owner, attorney, or manager, of any plantation, penn, or settlement, or of any such jobbing gang as aforesaid, he shall with such transcripts and affidavits, deliver to the protector and guardian of Slaves, a transcript of the entries in his own punishment record book, for the last preceding quarter of a year, with an affidavit sworn before one of the assistant judges of the Supreme Court, or one of the justices of assize, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make such transcripts, or to take such oaths as aforesaid. Provided always that the several assistant protectors and guardians of Slaves shall not be bound or required to make and transmit such transcripts of the entries of punishments inflicted on their own Slaves oftener than twice in each year. XIV.

And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to record, in books to be kept by him for that purpose, all such transcripts so to be transmitted to him as aforesaid, and shall preserve in his office the originals of such transcripts and affidavits, and such protector and guardian of Slaves shall, and he is hereby required to keep a distinct book for each parish, and to transcribe, in such book, the transcripts so transmitted to him as aforesaid, in alphabetical order, according to the names of the plantations, penns, or settlements, and of the names of the owners or other persons having charge of jobbing gangs, and shall make and keep an exact index to each and every book. XV.

And be it further enacted by the authority aforesaid, that on the prosecution of the owner, attorney, manager, or other person having the possession or management of any Slave or Slaves for any punishment inflicted on such Slave or Slaves, contrary to the provisions of this Act, or of any other Act of the legislature of this island, if such Slave shall be produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if he or she shall in open court declare that such traces are the consequence of any punishment or correction prohibited by this or any other Act of the legislature of this island, and being fully examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such punishment, then, notwithstanding such Slave may not be a competent witness, by reason of his or her slavery, such owner, attorney, manager, or other person having the possession and management of such Slave, shall be bound to prove, either that the punishment of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge, privity, or consent, or that such punishment was a lawful punishment, within the meaning of such Act, and was inflicted in the presence of one witness of free condition, as is hereby required; and in default of such proof, such owner, attorney, manager, or other person having the care, possession, or management of such Slave, shall be convicted and adjudged guilty of the offence charged against him or her by such prosecution, and no such prosecution shall be discontinued, except under and by virtue of a written order, issued for that purpose by and under the hand and seal of the governor, or person executing the functions of governor for the time being : XVI.

And be it further enacted by the authority aforesaid, that every person who shall knowingly and wilfully make any false oath or affirmation to any of the matters or things by this Act required to be so verified, or shall corruptly procure or suborn any person to swear or affirm falsely in any such oath or affirmation, shall, on being duly convicted thereof, suffer such punishment as is inflicted by the laws of England for that offence : XVII.

And be it further enacted by the authority aforesaid, that if any person shall commit any or either of the misdemeanours declared by this Act, such person being of free condition, shall be liable to be indicted in the Supreme Court of Judicature, or in any of the courts of assize in this island, and, upon conviction, shall XVIII.

be punished by fine, not exceeding the sum of [ ], nor less than the sum of [ ], or to imprisonment for any time not exceeding [ ] nor less than [ ], or by both fine and imprisonment, at the discretion of the said court; and if such person be a Slave, he or she shall be tried at a Slave court, and upon conviction shall be punished by imprisonment and hard labour, for any time not exceeding [ ], at the discretion of the court before which such

XIX. Slave may have been tried. And be it further enacted by the authority aforesaid, that if any person shall be twice convicted of having inflicted upon any Slave any cruel and unlawful punishment, such person shall, on his or her second conviction, in addition to the penalties hereinbefore imposed, be declared by the court before which such second conviction shall take place, absolutely incapable in the law to be the owner or proprietor, or to act as the attorney, manager, trustee, executor, administrator, or overseer of any Slave or Slaves within the island; and all Slaves of which any such person may at the time of such second conviction be the owner or proprietor, and all the estate, right, title, or interest which he or she may have in or to any Slave or Slaves, shall thenceforth be absolutely forfeited to his Majesty: Provided always that nothing herein contained shall be construed to abridge or lessen the powers and authority possessed by the Supreme Court and Courts of Assize in this island, under and by virtue of the said Act, commonly called the Consolidated Slave Law, to declare in the cases therein mentioned, any Slave or Slaves to be free from all manner of servitude, on the conviction of his or her owner of such maltreatment as

XX. therein mentioned. Provided always, and be it further enacted by the authority aforesaid, that no forfeiture to his Majesty of any Slave or of any right or interest in any Slave under and by virtue of this Act, shall in any way diminish, affect, take away, or prejudice the right, title, or estate, or interest of any person or persons, in, or to such Slave, except of the person upon the conviction of whom any such forfeiture may have been concurred. And be it

XXI. further enacted by the authority aforesaid, that whenever any such forfeiture as aforesaid, shall accrue to his Majesty, under and by virtue of this Act, such forfeiture shall not be carried into effect by the actual seizure or sale of the Slave or Slaves so forfeited, until a report shall have been made to his Majesty through one of the principal secretaries of state, of all the circumstances of the case, and his Majesty's pleasure shall have been signified thereupon: and that in the mean time, and until his Majesty's pleasure shall be signified, remitting such forfeiture, the Slave or Slaves so forfeited, shall remain vested in his Majesty's subjects, only to be divested, if his Majesty shall be graciously pleased to remit such forfeiture. And

XXII. be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be construed, deemed, or taken to abridge, defeat, or lessen the powers or authorities vested in the several justices of the peace, and in the several Slave courts of this island, by the said Act commonly called the Consolidated Slave Law, except so far as those powers and authorities enable such justices or Slave courts to sentence female Slaves to the pu-

XXIII. nishment of whipping. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to include in his half yearly reports to the governor or person executing the functions of governor for the time being, which he is by law directed, to make the particulars of all the transcripts, which by virtue of this Act, may have been transmitted to him in the preceding half year, by the assistant protectors and guardians of Slaves, within the several parishes of this island, and the names of any persons against whom, during the preceding half year, any criminal prosecutions under this Act, may have been instituted.

Notes.—According to the practice of the courts of this island in prosecutions against white or free persons, where the offence is bailable, no notice of trial is ever given, because the accused are under recognizance to appear and answer at a particular court named in the recognizance, and then to take their trial. In the trial, however, of Slaves, the eighty-sixth section of the Consolidated Slave Law, requires six days' notice of the trial

to be given to the owner of the Slave, as essential to found the jurisdiction of the Slave court. We have, therefore, required that a similar notice should be given to the protector, and accordingly we have altered the first clause of the original heads of the Bill submitted to us.

The enacting part of the third section of the annexed draft, nearly resembles the restriction contained in the twenty-seventh clause of the Consolidated Slave Law, but more precisely defines the interval of time which shall elapse before a second punishment can be lawfully inflicted.

We have not inserted the twenty-first clause of the original heads of this Bill submitted to us, because under the twenty-fifth section of the Consolidated Slave Law, a power is vested in the court, of declaring the Slave free, when the owner, or the person interested in such Slave, has been convicted of cruelty, and the exercise of this power has not been confined to those cases in which the convicted person has been the sole owner of the Slave, but has been extended to cases in which such person convicted, had only a limited interest. Thus in the King *v.* Boyden, at the Kingston Assizes in 1817, the attorney-general prayed judgment of freedom on the Slave, which was awarded, although Mr. Boyden was only a tenant in common with his brothers and sisters: and this clause of the Consolidated Slave Law, contains a further beneficial provision, by enabling the court to direct the payment by the convicted person, of the fine of one hundred pounds to the justices and vestry of the parish to which the Slave belongs, in consideration of their paying the Slave ten pounds per annum for his or her maintenance. We have thought it right to retain in the present Act, by express enactment, these salutary provisions.

(Signed) WILLIAM BURGE, Attorney-General.
HUGO JAMES, Advocate-General.

No. 9.

My Lord, *King's House, Jamaica, 13th November* 1826.

I HAVE the honour to enclose, for your Lordship's information, the copy of a message I have received from the House of Assembly, in answer to a communication which I made to that body on the 12th ultimo, accompanied by the several propositions of his Majesty's government respecting the Slave population.

The House have since appointed a Committee of thirteen, to revise the Consolidated Slave Law; and a Sub-Committee of seven has been since nominated, who have gone through the Slave Law, and made, as I understand, many alterations in it, embracing, in the proposed Act, several of the propositions of his Majesty's Government. But as the labours of the Sub-Committee are subject to the approbation of the Grand-Committee, and as afterwards this Bill will be discussed in the House of Assembly, I cannot venture to anticipate what may be the result of the proceedings of the Assembly on this important subject.

There seems no disposition to adopt the proposition which relates to the appointment of a protector and guardian of Slaves, nor to the regulation of punishments. The establishment of Savings Banks, the Assembly seem to consider a measure which requires great deliberation, and seem disposed to postpone the consideration until a future session. I have, &c.

The Earl Bathurst, K. G. (Signed) MANCHESTER.
&c. &c. &c.

Message from the House of Assembly to the Governor.

May it please your Grace,

WE are desired by the House to wait on your Grace, and to inform you that, with as little delay as was compatible with due deliberation on a subject submitted to the House by the directions of his Majesty's government, and which involves in its consequences the future welfare of this Colony, they have taken into their most attentive consideration your Grace's first message of the 12th instant, and the several propositions which accompany that message.

The House return sincere thanks to your Grace, for the expression of your Grace's desire to prevent any unnecessary interruption of the proceedings of the House.

The House not possessing such means of information as your Grace derives from his Majesty's government, would have received with unfeigned pleasure, the intimation conveyed by your Grace, that the measures submitted to their consideration, have been shown by experience to have been attended with no inconvenience in those colonies where the experiment has been tried; but, referring to intelligence received in Jamaica from time to time, from the very commencement of the operation of the Order in Council in Trinidad, and more particularly to the proceedings of a public meeting which took place at Port of Spain in that Island, so lately as the 24th June last, and to the petition adopted on that occasion to be presented to both Houses of the Imperial Parliament, the House cannot refrain from expressing their apprehension that this declaration has emanated rather from the sanguine hope entertained by his Majesty's ministers of the success of the measures proposed, than from the testimony of facts; and that the trial, of what your Grace has termed the experiment, has not been of sufficient duration to establish much confidence as to its ultimate beneficial result. At the same time, the House feel quite satisfied, however harmless the experiment may have been hitherto found in a few of the other colonies, such measures, if adopted in this island in their present shape, would not only endanger our lives and properties, but would ultimately terminate in the ruin and destruction of the most valuable colony his Majesty possesses.

The House, however, sincerely actuated by that ardent desire which has long distinguished the Assembly of Jamaica, to embrace every opportunity of improving the condition of the Slave population, have appointed a committee to bring in a Bill to alter and amend the Slave-laws of this island. And they assure your Grace that they will cheerfully make such enactments as their long experience and local knowledge may point out as likely to be productive of benefit to the Slave, without injury to the master or detriment to the right of property.

No. 10.

Extract from a Despatch from his Grace the Duke of Manchester, dated King's House, Jamaica, 23d December 1826.

I HAVE the honour to inform your Lordship, that the Council and Assembly, who had been employed without interruption since 10th October last, finished the public business yesterday, and I enclose, for your Lordship's information, a copy of my speech when I prorogued the Assembly.

I have already apprized your Lordship, in my letter of the 13th ultimo, that the House of Assembly had appointed a Committee to revise the Consolidated Slave Law. This Committee made their report, and a Bill has been passed, of which I shall transmit to your Lordship a copy by the next packet. In the mean time I enclose, for your Lordship's information, an analysis of this Bill, and copies of such of the clauses as are entirely new. The admission of Slave evidence, the alteration in the mode of trial of Slaves, and the limitation of punishment by individuals, are very material points. And in the new Bill there is, throughout, a spirit of mildness and moderation which certainly improves the condition of the Slave in many important particulars.

The Council made several amendments to the Bill, but very few have been adopted, and none of any great importance, except the separation of Slaves sent to the workhouse for protection from those confined for crime; and that no Slave can be transported without the governor's warrant for the sentence being carried into execution.

Extract from the Governor's Speech on the Prorogation of the Assembly.

I TRUST that the laborious attention you have bestowed on the revision of the Slave Laws, the mildness and moderation which the new Act

betrays throughout, the beneficial alteration it produces in the condition of the Slave in many particulars, more especially those which regard the mode of trial, and the admission of their evidence in courts of justice, will be highly satisfactory to his Majesty's government.

Analysis of an Act entitled, "An Act to alter and amend the Slave Laws of this Island."

Passed 22d December 1826.

Sect. 1 and 2.—Repeals all former Acts relating to Slaves, except Act 25, Geo. 3, cap. 8.

3.—Owners to instruct their Slaves in religion, and have them baptized.

4.—Clergymen obliged to marry Slaves without any fee, on producing consent of their owners.

5.—All Slaves levied on for debt to be sold singly, except in cases of families, consisting of a man, his wife, and children, who must be sold in one lot.

6.—No market to be open after eleven o'clock on Sunday.

7.—No Slave to be taken or levied for debt on Saturdays.

8.—Slaves to have one day in every fortnight, exclusive of Sunday, except during crop, so that the number of days allotted to them are not less than twenty-six.

9.—No person to employ for hire the Slave of another on Sunday, without the consent of the manager of such Slave.

10.—No mills to be put about on Sundays, or Slaves worked between seven o'clock on Saturday night and five o'clock on Monday morning.

11.—Negro grounds to be inspected periodically.

12.—In places where no provision-grounds, not less than three-shillings and four-pence to be allowed each Slave weekly.

13.—Clothing to be provided each Slave once a year, under penalty.

14.—Quantity and quality of clothing, and inspection of Negro-grounds to be sworn to periodically.

15.—Penalty on Master not complying with the two preceding Clauses.

16.—Personal property secured to Slaves.

17.—Bequests and legacies secured to Slaves.

18.—Women with six children exempted from all field or hard labour, and the mother exempted from all tax.

19.—Owners or managers obliged, under penalty, to maintain sick, aged, or disabled Slaves.

20.—Contains further regulations for the protection of such infirm Slaves, and for manumized persons.

21.—Contains further regulations as to manumized persons.

22.—Owners manumizing Slaves to allow each Slave ten pounds per annum, under penalty of one hundred pounds.

23.—Contains further regulations as to old and infirm Slaves.

24.—Contains regulations relative to Slaves, the property of insolvent debtors.

25.—Contains further regulations.

26.—Owners prohibited, under penalty, allowing diseased Slaves to wander about.

27.—Slaves to be allowed half an hour for breakfast, and two hours for dinner.

28.—Slaves not to be allowed more than three consecutive holydays at Christmas, Easter and Whitsuntide.

29.—Slaves informing against runaways rewarded.

30.—Slaves killing Slaves in actual rebellion rewarded.

31.—Any person murdering a Slave to suffer death.

32.—Any person carnally knowing an infant under ten years, to suffer death.

33.—Rapes punished with death.

34.—New Clause preventing persons from maltreating Slaves.

35.—Penalty on vestrymen not attending council of protection.

36.—Regulating mode of proceedings when justices shall receive information of Slaves having been maltreated.

37.—No Slave to receive more than ten lashes in any workhouse, unless owner or manager present, and then not to exceed thirty-nine lashes.

38.—No person to commit a Slave to the workhouse for a longer space than ten days.

39.—How justices are to act on complaints made of improper punishments.

40.—No collar or chain to be put on a Slave, except a very light collar to distinguish runaways, and then by order of a justice.

41.—Slaves, except in going to market, to have tickets.

42.—No ticket to be in force for more than thirty days.

43.—Slaves absent without leave for five days declared runaways.

44.—Punishment on runaways.

45.—Further regulations as to runaways.

46.—Punishment on harbouring runaways.

47.—Regulations on same subject.

48.—How justices are to proceed when information is given where runaways are concealed.

49.—Penalty on persons giving false tickets.

50.—Reward to persons apprehending runaways.

51.—Regulations as to persons apprehending runaways.

52.—Runaways to be advertised, and keepers of workhouses to detain Slaves until all expences are paid.

53.—Slaves confined in workhouses to be properly fed.

54.—Proviso in regard to Slaves claiming freedom, when special sessions are to be called to investigate their claims.

55.—No runaway Slave to be sold by workhouse-keeper until special sessions has been held.

56.—Regulates replevins.

57.—Any Slave attempting to go off the island to be punished, not extending to life.

58.—Penalty on white or free persons aiding and assisting such attempt to escape.

59.—Contains further provisions on same subject.

60.—Slaves not to travel with guns or offensive weapons, under penalty, or to hunt cattle with lances, &c. except by permission.

61.—Punishment on managers allowing assemblages of strange Slaves to assemble with drums, horns, &c. authorized to call for military aid.

62.—Military and civil officers empowered to enter plantations to suppress disturbances.

63.—Negro dances and nightly meetings prohibited.

64.—Nightly burials prohibited under penalty.

65.—Penalty on free persons permitting unlawful assembly of Slaves.

66.—Punishment on free persons permitting gaming among Slaves.

67.—No bond required for Slaves manumized by will: but the estate of the testator held liable for the annual sum required by law to be paid to manumized Slaves.

68.—Proviso, that any will which passes personal estate is sufficient to manumize Slaves.

69.—Removes legal impediments in manumizing Slaves belonging to owners possessing only a limited interest in them.

70, 71, 72, 73.—Contain further regulations.

74.—Regulates the contingent interest of parties in Slaves manumized.

75.—Investment for the purchase of Slaves for effecting manumission.

76.—No bond required for manumission of Slaves able to maintain themselves.

77.—Prevents sale of Slaves for the purpose of re-sale.

78.—Declares the evidence of persons bringing offenders against preceding clause before a justice, good.

79.—Declares sales made for re-sale void.

80.—No writ of *certiorari* to issue.

81.—Slaves guilty of rebellion to suffer death.

82.—Striking a white person subjects Slaves to same punishment.

83.—Slaves found with fire-arms in their possession to be tried at quarter sessions.

84.—Slaves practising Obeah punished with death.

85.—Slaves found preaching, without permission, to be tried and punished by quarter session.

86.—All meetings of Slaves for the purpose of preaching or teaching, between sun-set and sun-rise, prohibited. Proviso, not to extend to the Presbyterian Kirk, or licensed minister, until eight o'clock; or the ceremonies of the Jewish or Roman Catholic religion.

87.—Dissenting ministers prohibited from collecting or receiving money from Slaves.

88.—Further prohibition of nightly meetings.

89.—Slaves using deleterious drugs in the practice of Obeah, to suffer death.

90.—Slaves having in their possession poisonous drugs, &c., used in witchcraft to be transported.

91.—Slaves attending meetings for administering unlawful oaths, or learning the use of arms, &c. to suffer death.

92.—Free persons aiding or assisting, to suffer death.

93.—Persons knowing of such meetings, and not giving information, to be punished by imprisonment or whipping.

94.—Slaves stealing horses or cattle punished with death.

95.—Slaves having fraudulently in their possession more than twenty pounds weight of beef, &c., without being able to account for it, to suffer punishment not extending to life, or imprisonment for life.

96.—Slaves maiming or chopping cattle, to be punished not exceeding fifty lashes.

97.—Slaves maiming or doing bodily injury to each other, to suffer death.

98.—For preventing accidents by fire, owing to Slaves improvidently setting fire to their grounds.

99, 100.—New clauses, altering the mode of trial of Slaves.

101.—Clerks of the peace may be dismissed for incompetence.

102.—Custos, &c. required in future to appoint professional men clerks of the peace.

103.—Persons warned as evidence fined for non-attendance.

104.—Jurors protected against all civil process.

105.—Records of all proceedings on the trial of Slaves to be kept.

106.—Slaves giving false evidence to be punished as for perjury.

107.—When warrant is issued against Slaves, notice to be served on manager to produce such Slave.

108.—Six days notice of trial necessary.

109.—What sort of notice necessary when owner is not known.

110.—Contains further regulations as to notice.

111.—Ordering how punishment of death is to be inflicted.

112.—In cases of sentence of death, transportation, or imprisonment for life, owner to be paid the value of the Slave.

113.—No Slave to be executed or transported, except in cases of rebellion, unless by warrant under the hand of the governor.

114.—Slaves sentenced to death or transportation, to be paid for by the receiver-general.

115, 116, 117.—Direct mode of proceeding of provost marshal, in regard to Slaves sentenced to transportation.

118.—Slaves returning from transportation to be re-sold.

119.—Slaves who have been transported for crimes subjecting them to the punishment of death, and returning, to suffer death.

120.—Persons aiding or assisting Slaves to return from transportation, to pay a fine of three hundred pounds, and suffer imprisonment not exceeding twelve months.

121.—Slaves sentenced to transportation, that cannot be sold, to be committed to hard labour in the workhouse.

122.—In cases where Slaves, sentenced to transportation for life, conduct themselves well, governor authorized to remit their punishments, and order them to be sold, with their own consent.

123.—Slaves escaping from imprisonment to be punished with further imprisonment, or whipping.

124.—Slaves sentenced to hard labour for life escaping, to be transported.

125.—Punishment of persons permitting Slave prisoners to escape.

126.—Regulates how marshal's fees are to be paid.

127.—No Slaves in confinement to be employed by gaol-keeper for his benefit.

128.—Slaves guilty of inferior crimes to be punished by two justices, not exceeding thirty-nine lashes.

129.—Fees of the clerk of the peace, for attending summary trials.

130, 131, 132, 133, 134.—New clauses, which relate to the admission of Slave evidence.

135.—Free persons associating with Slaves in crime, to be deemed accessaries.

136.—This act not suspended by martial law.

137.—Penalties how applied and recovered.

138.—Penalties and offences committed against present existing law, to be enforced and punished.

139.—Act to continue in force from 1st May 1827, to 1st May 1830.

New Clauses in the Amended Slave Law.

AND in order to prevent any person from mutilating, dismembering, or cruelly beating, or confining any Slave or Slaves: Be it further enacted by the authority aforesaid, that if any master, mistress, owner, or possessor, or other person whatsoever, shall at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate, or dismember any Slave or Slaves, or wantonly or cruelly whip, maltreat, beat, bruise, or imprison, or keep in confinement without sufficient support, or brand any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence, in the Supreme Court of Judicature, or in any of the Assize Courts, or Courts of Quarter Sessions of this island, and upon conviction, shall be punished by fine, not exceeding one hundred pounds, or imprisonment, not exceeding twelve months, or both, for each and every Slave so mutilated, or dismembered, punished, or confined; and such punishment is declared to be without prejudice to any action that could or might be brought at common law, for recovery of damages, for, or on account of the same, in case such Slave or Slaves shall not be the property of the offender, and in atrocious cases, where the owner of such Slave or Slaves shall be convicted for such offence, the court before whom such offender shall have been tried and convicted, are hereby empowered, in case they shall think it necessary for the future protection of such Slave or Slaves, to declare him, her, or them, free and discharged from all manner of servitude, to all intents and purposes whatsoever: and in all such cases, the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine of one hundred pounds to be paid to the justices and vestry of the parish to which the said Slave or Slaves belonged, to the use of the said parish, the said justices and vestry, in consideration thereof, paying to each of the said Slave or Slaves so made free, the sum of ten pounds per annum, for his or her maintenance and support during life; and in case any Slave or Slaves shall suffer any before-mentioned mutilations or wanton punishment or confinement, or branding, such Slave or Slaves, on his, her, or their application to any justice of the peace, the said justice of the peace shall be, and is hereby directed, required, and empowered on view, or its appearing to his satisfaction, that such mutilation or wanton punishment have been really suffered, to send such Slave or Slaves to the nearest workhouse where such offence shall be committed, and such Slave or Slaves shall be there safely kept and carefully attended, but not worked, at the expense of such parish, until such time as the special sessions hereinafter mentioned shall meet, and such Slave shall be kept separate and apart from Slaves committed to such workhouse as runaways or criminals, in a place

appropriated in such workhouse for that purpose; and the said justice of the peace to whom such application shall have been made as aforesaid, is hereby required and directed forthwith to certify the nature of such application or complaint to the custos, or senior magistrate, in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be, and he is hereby directed and required, to convene a special sessions, consisting of not less than three justices of the peace of such parish or precinct, which special sessions, when met, is hereby empowered and required to make further and full inquiry, upon view, and by the examination of witnesses, into the commitment of the mutilation or punishment of such Slave or Slaves, and if, upon such examination, it shall appear to them that the complaint of such Slave or Slaves is frivolous or unfounded, it shall be lawful for them, and they are hereby required to dismiss the complaint, and to direct such Slave or Slaves to be delivered over to his, her, or their owner or owners, or possessors, or his, her, or their legal representatives, or to direct such punishment by confinement to hard labour or whipping, or both, as to them may seem proper; but if, upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown, or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the grand or assize courts, or quarter sessions of the parish, and to remand the said Slave or Slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting the custos is hereby required to call as early as conveniently may be; and such justices and vestry, when met, are hereby appointed a council of protection of such Slave or Slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitment of the mutilation or punishment of such Slave or Slaves, and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence is committed; and in case the owner or owners of such Slave or Slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence a suit or suits against such owner or owners of such Slave or Slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits; and the keeper of the workhouse where such Slave or Slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said special sessions, or of the first meeting of the council of protection, of the parish where the offence was committed, to produce such Slaves or Slaves for the inspection and direction of such special sessions and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection, such Slave or Slaves. And be it further enacted by the authority aforesaid, that if after due notice of such meeting being convened, a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the custos, or senior magistrate, who may preside at such meeting, is hereby empowered and required to inflict a fine not exceeding ten pounds upon any vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal. And be it further enacted by the authority aforesaid, that in case any justice of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith, to issue his warrant to any constable, ordering him immediately to proceed to the place wherein such Slave or Slaves are confined, and such Slave or Slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such Slave or Slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law, and in order to restrain arbitrary punishment.

And whereas it is necessary to declare how and in what manner Slaves should be tried for crimes and offences. Be it enacted by the authority aforesaid, that from and after this Act shall commence and be in force, all and every charge or complaint against any Slave or Slaves, of murder, rape, felony, burglary, robbery, burning or destroying houses, outhouses, stores, Negro houses or cane grass, or corn pieces, or breaking into such houses, outhouses, stores, or Negro houses in the day-time, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever committed by any Slave or Slaves, that shall subject such Slave or Slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined at the Court of Quarter Sessions, or Special Slave Court, for the parish or precinct wherein the offence shall be committed, as part of the business of such court, and by indictment before the grand and petty juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition; but first dispoing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of Slaves, against whom bills may be found by the grand jury; and the justice before whom such charge or complaint is made, shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who, being brought before him, or any other justice of the peace, if, upon examination, it appears probable that the Slave or Slaves apprehended, is or are guilty, shall commit the offender or offenders to gaol for trial, at the next Court of Quarter Sessions or Special Slave Court, and secure the attendance there of the witnesses, by recognizance or committal to gaol, as public justice may require: in all cases the evidence of Slaves shall be admitted against Slaves before the justice, the court, and the grand, or petit jury. And in case of the grand jury finding a true bill, then in any parish where a Court of Quarter Sessions is now usually holden, such Slave or Slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or charge shall be deemed valid, if sufficient in substance, and shall not be granted for defect in form, and thereupon the plea shall be taken down and entered, and such Slave or Slaves shall be put upon his, her, or their trial, before a petit jury, in like manner as is the practice, usual and accustomed at the Quarter Sessions, on the trial of indictments against white persons and persons of free condition. And if a petit jury be already formed for any preceding business of the court, it shall be lawful to try the indictment against such Slave or Slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such Slave or Slaves as shall be brought before them, and a true verdict give according to evidence, as in other cases: reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause to be approved of by the court; and provided that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner. And the place of such jurors as shall be set aside upon challenge, or for the causes aforesaid, shall be supplied by others returned upon the pannel, to serve as jurors; or if a sufficient number should not be in attendance, then such deficiency shall be supplied by a writ of tales, to be issued by the court, in which such trial shall take place. And the same jury shall serve for every case under the preceding regulations at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial, to proceed without bias, in which case a new jury shall be called; and if the said jurors shall, upon hearing the evidence, unanimously find the Slave or Slaves guilty of the offence with which he, she, or they, stand charged, the court shall pass sentence of death, without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: Provided always, that no sentence of death or transportation, pronounced on any Slave or Slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or the person exercising the functions of governor, who is hereby authorized to issue

such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof, attested by the justice presiding at the trial, or in case of his death, or absence of one of the other justices constituting the court, except when sentence of death shall be passed upon any Slave or Slaves convicted of rebellion, or rebellious conspiracy; in which case, the court shall and may proceed to pass sentence, and carry the same into execution as heretofore, at such time and place as public expedience may require; or if no pressing occasion arise, the court may, if it seems fit, refer the proceedings to the governor in the manner, and to be disposed of by him, as in other cases of public convictions: Provided always, that if it shall be necessary or expedient for the furtherance of justice and the safety of the public, to hold any court, before the stated Court of Quarter Session, it shall be lawful to convene a Special Slave Court, and the custos, or senior magistrate of the parish or precinct, shall issue a special writ of venire, directed to the provost marshal general, or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empannelled to serve on juries for the parish, or precinct, personally to be, and appear at such court, at the usual place for holding the quarter session, at such day and time as may be expressed in such venire, then and there to inquire, for our Sovereign Lord the King, of and concerning all such matters and things as shall be given them in charge, and enjoined, when and where the said persons, so warned by the provost marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each defaulter; and when and where the said Special Slave Court shall proceed in like manner, in all respects as is the usual custom and practice, at a General Court of Quarter Sessions of the Peace, for indictable offences against persons of free condition. And whereas this mode of trying Slaves will naturally interfere with the facilities granted to those parishes which are component part of a precinct wherein Special Slave Courts are now allowed: Be it enacted, that in the parishes of Saint Thomas in the Vale, and Saint John part of the precinct of Saint Catharine, indictments against Slaves shall be preferred before the grand jury convened and sworn at the Court of Quarter Session of the respective precincts, and the attendance of all witnesses to support the charge before the grand jury, shall be summoned as aforesaid; and when a true Bill shall be returned against any Slave or Slaves, such trial shall be proceeded in a Special Slave Court, to be convened by a custos or senior magistrate of such parish, to meet at the place such court is at present held by law, and thereupon the custos, or in his absence the senior magistrate of the parish where such trial is to take place, shall and may hold such Special Slave Court at the place where parochial business is usually transacted in such parish, and shall sign and issue a writ of venire to the provost marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of venire to form a petit jury for the trial of Slaves, against whom bills of indictment have been found at the quarter sessions, such trial to take place under the same regulations as are hereinbefore contained as to trials of Slaves in the Courts of Quarter Sessions; and the provost marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors, for any breach of the duty hereby imposed in regard to such Special Slave Court, shall suffer the like penalties under the like remedies, as if done in regard to the quarter session, and all proceedings of such Special Slave Court shall be returned into the office of the clerk of the peace of the precinct, there to be recorded, and kept as part of the records of the same parish: Provided always, that if any Slave or Slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint during that time, it shall be the duty of the said justices of quarter sessions so associated for the purpose of holding such Court of Quarter Sessions, to discharge such Slave or Slaves by proclamation at the expiration of such six calendar months from the time of the commitment of such Slave or Slaves: and provided always, that in any case, upon an indictment against any

Slave or Slaves for murder, where malice prepense shall not be proved to the satisfaction of the jurors, such jurors shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it; and the person or persons so found guilty of manslaughter shall suffer such punishment as the court shall think fit to inflict, not extending to life: and whereas the ends of justice are sometimes defeated by the incapacity or gross neglect of their duties, by the clerks of the peace.

And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, upon any complaint made before a justice of the peace of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a Slave or Slaves, or in any cases of seditious meetings, or of harbouring or concealing runaway Slaves, or giving false tickets or letters to such runaway Slaves to enable them to elude detection, or on any inquisition before a coroner, the evidence of any Slaves respecting such complaint or inquisition shall be received and taken by such justice of the peace or coroner; and on any prosecution in any of the courts of this island for any of the crimes before mentioned, the evidence of a Slave or Slaves shall also be admitted and received: Provided always, that before such evidence shall be received, a certificate of his or her baptism shall be produced, and the justice of the peace, coroner, or court shall be satisfied, on due examination had, that such Slave comprehends the nature and obligation of an oath: And provided also, that nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness in like manner as they would receive the same as to white persons, and persons of free condition: And provided also, that no white person, or person of free condition shall be convicted of any of the crimes aforesaid on the testimony of any Slaves, unless two of the said Slaves at least clearly and consistently depose to the same fact or circumstance, such Slaves being examined apart, and out of the hearing of each other: And provided also, that no white person, or person of free condition shall be convicted on the testimony of any Slave or Slaves of any crime or offence as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this Act: And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave, shall certify, as part of the jurat, that the deponent had been duly examined and found to possess a competent knowledge of the nature and obligations of an oath, and such justice of the peace and coroner shall take from the person in possession of such Slave, or from some fit and proper person, a recognizance in a sum not exceeding one hundred pounds nor less than twenty pounds, conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried, and such justice or coroner shall forthwith transmit to the clerk of the crown such deposition and recognizance; and in case the person in possession of such Slave shall refuse to give, or shall not produce, such bail for the appearance of the Slave, as a witness, or the person in possession of such Slave, shall be the party accused, or if, under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner, shall have the power of securing the attendance of such Slave, as a witness, by a committal to goal, in the same manner as the attendance of a witness for the crown, who is unable to find bail for his appearance is now ensured, and the marshal or keeper of such goal shall allow to the said Slave the sum of one shilling and eight pence per diem, for his or her support during confinement, and such allowances shall be repaid to the marshal or keeper of the goal, in the same manner as the allowance to witnesses for the crown is now paid to him: and in case the party in possession of a Slave, shall produce him or her as a witness, at the court where any indictment is preferred, or had, according to the condition of a recognizance entered into by, or on the part of such person in possession, as aforesaid, such

person in possession shall be entitled to receive mile-money, at the rate of one shilling per mile, for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and fourpence per diem, for each and every day such Slave shall have been absent from home, for the purpose of attending at the court, as a compensation for the loss of the labour of such Slave: and the judges presiding at the trial, upon application made to them in court after the trial, are hereby authorized, if they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile-money and compensation, and grant a certificate thereof under their signature; and such certificate, after being approved of by the commissioners of public accounts, shall be paid by the receiver general to the person or persons to whom such certificate shall be granted: and in order to remove as much as possible any temptation to commit perjury, by those Slaves who shall be required to give evidence, Be it enacted, by the authority aforesaid, that the court shall not be at liberty to exercise the power given by this Act, for declaring any Slave free, and discharged from all manner of servitude, where the owner of such Slave has been convicted of particular offences, if any Slave shall have been sworn upon the trial, as a witness on the part of the prosecution, And be it further enacted by the authority aforesaid, that if any Slave shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, such Slave shall be liable to be tried therefore, and upon conviction thereof, shall be sentenced to hard labour in the workhouse, or to stand in the pillory, for such time as the court shall direct, or to whipping, or to all or either of such punishment, at the discretion of the court. And it is hereby enacted by the authority aforesaid, that the Slaves, whose attendance are required as witnesses, shall be protected in their persons, from all civil process whatsoever, in going to, attending at, and returning from such examinations or trials, as are herein before mentioned, and that such Slaves shall, during such time, not be liable to be levied on for debt or otherwise.

No. 11.

My Lord, *King's House, Jamaica, 8th January* 1827.

WITH a reference to my despatch of 23rd ultimo, I have now the honour to enclose an authenticated copy of the Act, entitled "An Act to alter and amend the Slave Laws of this Island," passed in the last session.

I have the honour to be,
&c. &c. &c.
(Signed) MANCHESTER.

The Right Honourable the Earl Bathurst, K. G.
&c. &c. &c.

An Act to alter and amend the Slave Laws of this Island.

Preamble.—WHEREAS it is expedient that the laws now in force, relating to Slaves, should be revised and consolidated, and other provisions be enacted to promote their religious and moral instruction, and by means whereof their general comfort and happiness may be increased as far as is consistent with due order and subordination, and the well-being of this colony.

1.—May it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, that from and after the commencement of this Act, an Act entitled, "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves; for enlarging the Powers of the Council of Protection, for preventing the improper transfer of Slaves, and for other Purposes," passed the nineteenth day of December, in the fifty-seventh year of the reign of his late Majesty King George the Third;

also an Act, entitled "An Act to amend the Slave Act, by altering the Mode of carrying into Execution the Sentence of Death on Slaves," passed the fourth day of December, in the second year of the reign of his present Majesty King George the Fourth; also an Act, entitled "An Act to take away Clergy from Offenders in Rape on Slaves," passed the eleventh day of December, in the fourth year of the reign of his present Majesty King the Fourth; also an Act, entitled "An Act for removing Impediments to the Manumission of Slaves, by Owners having only a limited Interest," passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; also an Act, entitled "An Act to prevent Levies on Slaves on Saturday," passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; and also an Act, entitled "An Act to enable Slaves to receive Bequests of Money or other personal Estate," passed the twenty-first day of December, in the sixth year of the reign of his present Majesty King George the Fourth, shall be and stand repealed, and the same are hereby repealed accordingly.

2.—Whereas doubts may be entertained, whether the Act of the 25th George III., cap. 8, has been repealed by any Act or Acts heretofore passed, in order to put an end to such doubts, be it enacted by the authority aforesaid, that nothing in any Act heretofore passed, or nothing in this Act contained, shall repeal the said mentioned Act, but that the same shall be in as full force and virtue as if the said several Acts had never been made.

3.—And be it further enacted by the authority aforesaid, that all owners, proprietors, and possessors, and in their absence the managers or overseers of Slaves, shall, as much as in them lies, endeavour the instruction of their Slaves in the principles of the Christian religion, whereby to facilitate their conversion, and shall do their utmost endeavours to fit them for baptism, and as soon as conveniently can be, cause to be baptized all such as they can make sensible of the duty to God and the Christian Faith, which ceremony the clergyman of the respective parishes are to perform, when required, without fee or reward.

4.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Slave or Slaves, who has or have been baptized, who may be desirous of entering into the holy state of matrimony, to apply to any clergyman of the established church to solemnize such marriage, who is hereby required to perform the same without any fee or reward, if such clergyman shall, upon examination of such Slaves, consider them to have a proper and adequate knowledge of the nature and obligation of such a contract, provided always that such Slave shall produce to the clergyman a permission in writing from his owner, or from the legal representative of his owner, for that purpose.

5.—And whereas, by the ninth section of the eighth George the Second, chapter fifth, it is enacted "that whenever hereafter any Slave or Slaves, taken on any writ of *venditioni* shall be exposed to Sale, the provost marshal, or his deputies respectively, shall sell all such Slaves singly, unless in cases of families, in which case, and in no other, the said provost marshal, or any of his deputies, may set up to sale such family or families, consisting of a man and his wife, his or their children;" and whereas it seems necessary further to enforce this provision: Be it therefore enacted by the authority aforesaid, that in all cases where a levy shall be made by any deputy marshal, or collecting constable of a family or families, each family shall be sold together and in one lot: Provided always that nothing in this Act contained shall be understood to interfere with levies on individual Slaves, nor be construed to authorize excessive levies.

6.—And be it further enacted by the authority aforesaid, that no white persons, or persons of free condition, shall expose on a Sunday, after the hour of eleven o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop or other places, under a penalty not exceeding five pounds for every offence, to be recovered in a summary manner before any two magistrates; and if any Slave do commit such offence, the goods so exposed to be forfeited by order of any justice of the peace, for the benefit of the poor of the parish where such offence is com-

mitted; provided that nothing herein shall extend to prevent the keeping open any druggist's shop, tavern, or lodging-house, or the sale of fresh meat and fresh fish or milk, on Sunday; such sale, however, not to take place in any town or place during the hours appointed for the celebration of divine service therein: Provided always, that sufficient notice be given in the market, that the hour for closing it has arrived.

7.—Whereas it is expedient to render the Sabbath as much as possible a day of rest and for religious worship: and whereas it would be right and proper that the Slaves should be protected on some other day in the week besides Sunday, from being taken or levied upon for debt under any process issuing out of any of the courts of justice in this island, or by collecting constables for taxes: Be it therefore enacted by the authority aforesaid, that it shall not be lawful to make any levy upon any Negro or any other Slave on Saturday, and that they shall be exempt from all such process, and also from levies by collecting constables, for taxes on that day the same as on Sunday.

8.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, the Slaves belonging to or employed on any plantation or settlement shall, over and above the holydays hereinafter to be mentioned, be allowed one day in every fortnight to cultivate their own provision grounds, exclusive of Sundays, except during the time of crop, under the penalty of twenty pounds to be recovered against the overseer or person having the care of such Slaves: Provided always, that the number of days so allowed to the Slaves for the cultivation of their grounds, shall be at least twenty-six in the year.

9.—And whereas much mischief is occasioned by persons employing the Slaves of others: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, no person or persons whomsoever shall employ the Slave or Slaves of others for any reward or hire to be paid to them on the Sunday or any other day allowed such Slave by law, without the consent in writing of such owner or owners or overseers, first had and obtained, under a penalty not exceeding five pounds for each Negro so hired or employed; such penalty to be recovered in a summary manner, by warrant under the hands and seals of two magistrates of the parish in which the property is situated where the offence shall have been committed; and in case of non-payment of such penalty, to commit the offender or offenders to the common gaol of the county in which such offence shall have been committed, for a space not exceeding twenty days, or until such penalty shall be paid; and such penalty shall be for the benefit of the party, proprietor, or possessor of such Slave complaining, in case such offence shall be proved by a disinterested person; and in case such offence shall be proved by the owner, proprietor, or possessor of such Slave, such penalties shall be for the benefit of the poor of the parish in which the same offence shall be committed.

10.—And be it enacted by the authority aforesaid, that during the crop, not only shall the Slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of twenty pounds, to be recovered against the overseer or other person having the charge of such Slaves.

11.—And be it enacted by the authority aforesaid, that every master, owner, or possessor of any Slave or Slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the Negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made as in this Act is hereafter directed.

12.—And whereas it may happen that on some plantations, penns, settlements, and towns in this island, there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather, the Negro grounds may be rendered unproductive, then, and in that case, the masters, owners, or possessors, do by some other ways and

means make good and ample provision for all such Slaves as they shall be possessed of, equal to the value of three shillings and four pence currency per week for each Slave, in order that they may be properly supported and maintained under the penalty of fifty pounds.

13.—And be it further enacted by the authority aforesaid, that every owner, master or possessor of Slaves shall once in every year provide, and give to each Slave they shall be possessed of proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner, or possessor of such Slaves shall reside, under the penalty of five pounds for each Slave for whom such clothing shall not be provided, to be recovered in a summary manner before three justices of the peace.

14.—And be it further enacted by the authority aforesaid, that every master, owner, proprietor, or possessor of Slaves, his or her overseer, or chief manager, at their giving in an account of their Slaves and stock to the justices and vestry, on the twenty-eighth day of March in every year, or at the vestry which shall be held next after that day, shall under the penalty of one hundred pounds for every neglect, give in an account on oath of the nature and quantity of the clothing actually served to each Slave on such plantation, penn, or other settlement for the approbation of the justices and vestry as aforesaid; and shall likewise at the same time declare on oath, that he has inspected, or caused to be inspected, the Negro grounds (where such Negro grounds are allotted) of such plantation, penn, or settlement, according to the directions of this Act, and that every Negro on the property is sufficiently provided with grounds, or where there are no Negro grounds, such ample provision as hereinbefore directed.

15.—And be it further enacted by the authority aforesaid, that when the number of Slaves belonging to any master, owner, or possessor, shall not exceed forty, and such master, or owner, shall not comply with the enactments contained in the two foregoing clauses of this Act, the justices and vestry of the parish where such master, owner, or possessor of such Slaves reside, shall have power and authority to impose a penalty not exceeding fifty pounds, to be recovered in a summary manner before any two of his Majesty's justices of the peace by distress and sale of the offender's goods and chattels.

16.—And whereas by the usage of this island, Slaves have always been permitted to possess personal property, and it is expedient that such laudable custom should be established by law: Be it therefore enacted by the authority aforesaid, that if any owner, possessor, or any other person whatsoever, shall wilfully and unlawfully take away from any Slave or Slaves, or in any way deprive or cause any Slave or Slaves to be deprived of any species of personal property by him, her, or them lawfully possessed, such person or persons shall forfeit and pay the sum of ten pounds over and above the value of such property so taken away as aforesaid, the same to be recovered under the hands and seals of any three justices of the peace before whom the complaint shall be laid and the facts proved: Provided nevertheless, that nothing in this Act shall be construed or deemed to authorize any trespass, or to allow any Slave or Slaves to turn loose or keep on his owner's, or other person's property, any horses, mares, mules, asses, cattle, sheep, hogs, or goats, without the consent of his owner or person in possession of such lands being first had and obtained.

17.—Whereas it is expedient that the owners of Slaves or other persons should have it in their power to reward the fidelity of Slaves, or to make them bequests as a reward for their services or good conduct: Be it therefore enacted by the authority aforesaid, that any pecuniary bequest or legacy of a chattel to a Slave, shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors, or other representative of the testator, shall be authorized to pay the amount of such legacy, or to deliver such chattel to the Slave: Provided always, that nothing herein contained shall be deemed to authorize the institution of any action or suit at law or in equity, for the recovery of such legacy, or to make it necessary to make any Slave or Slaves a defendant or defendants to a suit in equity.

18.—And in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted by the authority aforesaid, that every female Slave who shall have six children living, or who having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from all hard labour in the field or otherwise, and the owner or possessor of every such female Slave, shall be exempted from all manner of taxes for such female Slaves, anything in the Act commonly called the Poll Tax Law, or any other of the tax laws of this island, passed or annually to be passed to the contrary notwithstanding, and a deduction shall be made for all such female Slaves from the taxes of such owner or possessor by certificate of the justices and vestry: Provided nevertheless, that proof be given on oath, to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother or adopted mother are living, but also that the mother is exempted from all manner of field or hard labour, and is provided with the means of an easy and comfortable maintenance.

19.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any Slave or Slaves whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall discard or turn away any such Slave or Slaves on account or by reason of such Slave or Slaves being rendered incapable of labour or service to such master, owner, or possessor, by means of sickness, age, or infirmity, but every such master, owner, or possessor, as aforesaid, shall be and he is hereby obliged to keep all such Slave or Slaves upon his, her, or their properties, and to find and provide them with sufficient clothing, wholesome necessaries of life, and not suffer such Slave or Slaves as aforesaid, to be in want thereof, or to wander about and become burdensome to others for sustenance, under the penalty of twenty pounds for every such offence, to be recovered in a summary manner before any three justices of the peace in this island, who are hereby authorized, empowered, and required to cause such master, owner, or possessor, his, her, or their attorney or agent, and such other persons as they shall judge necessary, to be summoned before them, to enable them to judge and determine of the propriety of such information, and whether such master, owner, or possessor, ought to incur the said penalty; and in the mean time, and until such trial can be had, the said justices of the peace, upon thir own view, or upon the information of any white or free person on oath, are hereby empowered and required to take up such wandering, sick, aged, or infirm Slave or Slaves, and to lodge him, her, or them, in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices on such trial, that the party or parties so complained of, is or are guilty of the said offence, and shall refuse to pay the said sum of twenty pounds and the fees of such workhouse, for the maintenance of such Slave or Slaves, together with the charges of clothing and of the conviction, the said justices are hereby required and empowered under the penalty of twenty pounds forthwith, by warrant under their hands and seals, directed to the constable, to commit such offender or offenders to the common gaol of the county or parish where the offence shall be committed, there to remain until he, she, or they, shall pay the said sum of twenty pounds and charges as aforesaid, one moiety of which said fine shall be paid to the informer, who is hereby declared to be a good witness, and the other moiety shall be paid into the hands of the churchwardens of such parish for the poor of the said parish, any law, custom, or usage to the contrary notwithstanding.

20.—And whereas from the decease and change of residence of many proprietors of Slaves and other circumstances, and from the manumission of Negro, Mulatto, and other Slaves, without any suitable provision being made for their future maintenance, many unhappy objects afflicted with contagious distempers, or disabled for labour by sickness, age, and otherwise, and having no owners, prove dangerous, or become a burden or nuisance to the

several towns and parishes of this island; for remedy whereof, be it further enacted by the authority aforesaid, that the justices and vestrymen of the several towns and parishes in this island, be empowered to lay a tax upon the several towns and parishes in the same manner as the parochial taxes are usually laid for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, clothing, medical care, and attendance in the workhouses or other convenient places of the said several towns and parishes of this island, of such Negro, Mulatto, or other Slaves, or other unhappy objects as aforesaid; and the magistrates respectively of such town and parish are hereby empowered and required upon application being made to them, or either of them, or upon view, to order all such objects as aforesaid, to be removed and conveyed to the respective workhouses of each parish, where (if a Slave) the former proprietor or proprietors, owner or owners of such Slave lived or resided; or if a person manumized or made free, of the parish wherein the owner or owners commonly resided, or the property was situated to whom or to which such manumized person belonged immediately previous to the execution of such manumission: or if such manumission be by will, immediately previous to the decease of the testator or testatrix, there to be lodged and taken care of as aforesaid; and the magistrates and vestries of the several towns and parishes as aforesaid, are hereby empowered and required to make from time to time all such humane and salutary regulations for the purposes aforesaid, as to them shall seem necessary and expedient, and the keeper of the workhouse in such parish to which such Slave or free person shall be sent by warrant from any other parish, shall be obliged to receive the same under the penalty of twenty pounds.

21.—And it is hereby enacted and declared, that every parish in this island to which any manumized person shall be removed in pursuance of this Act, or any clause of any former Act for this purpose, as to the place of the legal settlement of such person, shall be entitled to claim all the advantages to be derived by law, from the security bond directed to be entered into and given, in and by an Act passed in the fifteenth year of the reign of his late Majesty King George the Third, entitled "An Act for regulating the Manumission of Negro, Mulatto, and other Slaves, and to oblige the Owners to make a Provision for them during their Lives," by any person or persons manumizing any Slave or Slaves to the churchwardens of whatsoever parish such bond may have been given, as fully as if the same had been entered into to the churchwardens of the parish to which such manumized person shall become burdensome.

22.—And be it further enacted by the authority aforesaid, that all owners or others who may manumize such Slaves as are old, infirm, or unable to work for their maintenance, are hereby obliged to provide for such maintenance, by allowing each and every such Slave at the rate of ten pounds per annum, under the penalty of one hundred pounds, to be recovered in Grand or Assize Courts, and to be paid over to the churchwardens of the parish where such Slave may reside, which parish shall after the recovery of such sum, provide for, and pay the sum of ten pounds annually for the support of such Slave.

23.—And be it further enacted by the authority aforesaid, that in case any goods, chattels, or Slaves, belonging to the owners of such old, infirm, and deserted Slaves as aforesaid, who shall have become burdensome to any parish for support, shall thereafter be found in any part of this island, it shall and may be lawful for the churchwardens of every such parish, to recover the full amount of all expenses to which such parish shall, at any time, have been put on account of any such deserted Slaves, before any three justices of the peace of the parish or precinct wherein such goods, chattels, or Slaves shall be found, by distress and sale of the same.

24.—And whereas it sometimes happens that aged, infirm, and disabled Slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost marshal of this island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates: Be it enacted by the authority aforesaid, that upon proof being made on oath by any deputy marshal, before any three magistrates of the district,

wherein he shall hold his appointment, that any Slave or Slaves of the above description, has or have been in his custody for more than six months thereto preceding, that such Slave or Slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and that there is no probability of his or her being sold, it may and shall be lawful for the said three magistrates to make an order, under their hands and seals, for the removal of such Slave or Slaves to the parish wherein the owner of such Slave or Slaves resided, at or immediately before the time when he or she took the benefit of the Act for the Relief of Insolvent Debtors, now in force or hereafter to be in force, there to be maintained and provided for according to the direction of this Act, hereinbefore declared.

25.—And it is hereby enacted, that such order being recorded in the office of the clerk of the peace of the precinct, wherein the gaol of such deputy marshal as aforesaid shall be situated, shall be deemed and taken in all the courts of this island, as a complete and perfect acquittal of all demands, claims, suits, and actions of every kind, on or against such provost marshal, or any of his deputies, as may or shall be made, instituted, or preferred by any person or persons whatsoever, on account or by reason of the removal of any such Slave or Slaves as aforesaid, out of his or their custody: Provided always, that if such Slave should at any time thereafter recover and become saleable, it shall be the duty of the supervisor of the workhouse in which such Slave is confined, to report the same to the provost marshal general, and thereupon the supreme court shall order such Slave to be sold by the provost marshal for the benefit of the insolvent's estate.

26.—And whereas Negroes afflicted with the yaws, cocobay, or other contagious diseases, are sometimes permitted to leave their master's property, and travel about the country to the great annoyance of the public, and of those in the neighbourhood: Be it enacted, that every owner or proprietor of Slaves, or his, her, or their overseer, as the case may be, permitting the same, shall forfeit the sum of twenty pounds for every such offence, to be recovered in a summary manner, before any three magistrates, one moiety of which to be paid to the informer, and the other moiety to the churchwardens of the poor of the parish in which the offence shall be committed; and which forfeiture shall be recovered on oath of the informer or other person complaining, to be levied by warrant of the said magistrates, who on refusal or failure of payment are hereby authorized to commit the delinquent to the county or nearest gaol until paid.

27.—And be it therefore enacted, that every field Slave on any plantation or settlement, shall on work days, be allowed half an hour for breakfast, and two hours for dinner; and that no Slave shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning, or after the hour of seven at night, except during the time of crop, under the penalty of fifty pounds, to be recovered against the overseer or other person having the charge of such Slaves.

28.—And be it further enacted by the authority aforesaid, that for the future all Slaves in this island shall be allowed the usual number of holydays that were allowed at the usual seasons of Christmas, Easter, and Whitsuntide; provided that at every such respective season, no more than three holydays shall be allowed to follow or succeed immediately one after the other, any law, custom, or usage, to the contrary notwithstanding. And if any master, owner, guardian, or attorney of any plantation or settlement, or the overseer of such plantation or settlements, shall presume at the seasons aforesaid to allow any holydays to any Slaves on any such plantation or settlement, other than is directed by this Act to be given, every person so offending shall forfeit the sum of five pounds.

29.—And in order to encourage Slaves to detect runaways: Be it enacted by the authority aforesaid, that every Slave or Slaves that shall inform against any person who shall have or conceal any runaway Slave or Slaves, so that such runaway Slave or Slaves may be taken and restored to his, her, or their owner or owners, or be committed to any workhouse, every such Slave or Slaves so informing shall be entitled to such reward as any justice

shall think just and reasonable, and be paid by such person or persons as such justice shall determine ought to pay the same, not less than twenty shillings nor exceeding forty shillings, to be enforced by a warrant under the hand and seal of such justice.

30.—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall kill or take any Slave or Slaves in actual rebellion, he or she shall receive from the churchwardens of the respective parishes where such Slave or Slaves shall have been killed, the sum of three pounds, and the sum of five pounds if taken alive, and a blue cloth coat, to be paid and furnished by the churchwardens of the respective parishes where such Slave or Slaves shall have been killed or taken, the whole expense whereof shall be re-imbursed by the receiver-general for the time being, out of any monies in his hands unappropriated.

31.—And be it further enacted by the authority aforesaid, that if any person hereafter shall, with malice aforethought, kill or murder any Negro or other Slave, such person so offending shall, on conviction, be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly for the said offence: Provided always, that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands and tenements, goods or chattels; any law, custom, or usuage to the contrary thereof in anywise notwithstanding.

32. —And be it further enacted by the authority aforesaid, that if any person or persons shall at any time after the commencement of this Act, unlawfully and carnally know and abuse any female Slave under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof, being duly convicted, shall suffer as a felon, without benefit of clergy.

33.—And be it further enacted by the authority aforesaid, that if any person or persons shall at any time, after the commencement of this Act, commit a rape on any female Slave, then and in every such case, every person being thereof lawfully convicted, shall be deemed guilty of felony, and suffer death without benefit of clergy: Provided always, that nothing herein contained shall extend to the corrupting the blood or the forfeiture of lands or tenements, goods, or chattels; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

34.—And in order to prevent any person from mutilating, dismembering, or cruelly beating or confining any Slave or Slaves: Be it further enacted by the authority aforesaid, that if any master, mistress, owner, possessor, or other person whatsoever shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate or dismember any Slave or Slaves, or wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence in the Supreme Court of Judicature, or in any of the Assize Courts, or Courts of Quarter Sessions of this island; and upon conviction shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, for each and every Slave so mutilated or dismembered, punished, or confined, and such punishment is declared to be without prejudice to any action that could or might be brought at common law for recovery of damages, for or on account of the same, in case such Slave or Slaves shall not be the property of the offender. And in atrocious cases, where the owner of such Slave or Slaves shall be convicted of such offence, the court before whom such offender shall have been tried and convicted, are hereby empowered, in case they shall think it necessary, for the future protection of such Slave or Slaves, to declare him or them free and discharged from all manner of servitude, to all intents and purposes whatsoever; and in all such cases the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine of one hundred pounds to be paid to the justices and vestry of the parish to which the said Slave or Slaves belonged, to the use of the said parish; the said justices and vestry, in consideration thereof, paying to each of the said Slave or Slaves, so made free, the sum of

ten pounds per annum for his or her maintenance and support, during life; and in case any Slave or Slaves, shall suffer any before-mentioned mutilations or wanton punishment or confinement, or branding, such Slave or Slaves on his, her, on their application to any justice of the peace, the said justice of the peace shall be, and is hereby directed, required, and empowered, on view, on its appearing to his satisfaction that such mutilation or wanton punishment have been really suffered, to send such Slave or Slaves to the nearest workhouse where such offence shall be committed, and such Slave or Slaves shall be there safely kept, and carefully attended but not worked, at the expense of such parish, until such time as the Special Sessions, hereinafter mentioned, shall meet; and such Slave shall be kept separate and apart from Slaves committed to such workhouse as runaways or criminals, in a place appropriated in such workhouse for that purpose; and the said justice of the peace, to whom such application shall have been made as aforesaid, is hereby required and directed forthwith, to certify the nature of such application or complaint, to the custos or senior magistrate in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be, and he is hereby directed and required to convene a Special Sessions, consisting of not less than three justices of the peace of such parish or precinct, which Special Sessions, when met, is hereby empowered and required to make further and full inquiry, upon view, and by the examination of witnesses into the commitment of the mutilation or punishment of such Slave or Slaves; and if upon such examination it shall appear to them that the complaint of such Slave or Slaves is frivolous or unfounded, it shall be lawful for them, and they are hereby required to dismiss the complaint, and to direct such Slave or Slaves to be delivered over to his, her, or their owner or owners, or possessor, or his, her, or their legal representatives, or to direct such punishment by confinement to hard labour, or whipping, or both, as to them may seem proper; but if upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices, that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown, or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the Grand or Assize Courts, or Quarter Sessions of the parish, and to remand the said Slave or Slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting, the custos or chief magistrate is hereby required to call as early as conveniently may be; and such justices and vestry, when met, are hereby appointed a council of protection of such Slave or Slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitmentof the mutilation or punishment of such Slave or Slaves; and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence shall be committed; and in case the owner or owners of such Slave or Slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry, are hereby empowered to commence a suit or suits against such owner or owners of such Slave or Slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits; and the keeper of the workhouse where such Slave or Slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said Special Sessions, or of the first meeting of the council of protection of the parish where the offence was committed, to produce such Slave or Slaves for the inspection and direction of such Special Session and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection such Slave or Slaves.

35.—And be it further enacted by the authority aforesaid, that if after due notice of such meeting being convened a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the

custos or senior magistrate who may preside at such meeting is hereby empowered and required to inflict a fine, not exceeding ten pounds, upon any vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal.

36.—And be it further enacted by the authority aforesaid, that in case any justice of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith to issue his warrant to any constable, ordering him immediately to proceed to the place where such Slave or Slaves are confined, and such Slave or Slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such Slave or Slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law.

37.—And in order to restrain arbitrary punishments: Be it further enacted by the authority aforesaid, that no Slave on any plantation or settlement, or in any of the workhouses or gaols in this island, shall receive more than ten lashes at one time, and for one offence, unless the owner, attorney, guardian, executor, or administrator, or overseer, of such plantation or settlement having such Slave in his care, or keeper of such workhouse, or keeper of such gaol shall be present; and that no such owner, attorney, guardian, executor, administrator or overseer, workhouse keeper or gaol keeper shall, on any account, punish a Slave with more than thirty-nine lashes at one time and for one offence, nor inflict, or suffer to be inflicted such last mentioned punishment nor any other number of lashes on the same day, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than ten pounds, nor more than twenty pounds for every offence, to be recovered against the person directing or permitting such punishment in a summary manner, upon conviction before any three magistrates by warrant of distress and sale, and in default of payment, the said magistrates are hereby required and empowered to commit such offender to the common gaol for any space of time, not exceeding ten days, besides being subject to be prosecuted by indictment in the Supreme or Assize Courts or Courts of Quarter Sessions of this island, as for an offence against this Act.

38.—And be it further enacted by the authority aforesaid, that no person or persons shall, after the commencement of this Act, commit or send any Slave or Slaves belonging to him, her, or them, to any workhouse in this island for any offence whatsoever, for a longer space of time than ten days, without a commitment or warrant to be signed by a justice of the peace, nor shall give nor direct or cause to be given to any Slave in such workhouse, more than twenty lashes without a warrant from a justice of the peace under a penalty of five pounds for each and every such offence; and if any person shall further punish or cause to be punished, any such Slave or Slaves for the same offence for which he, she, or they had suffered such punishment as aforesaid, (or such punishment as a justice of the peace shall have directed) either by re-committing such Slave or Slaves to the same workhouse, or committing or sending him, her, or them to any other workhouse or otherwise howsoever, such person shall suffer such punishment by fine, not exceeding ten pounds: And if any workhouse keeper shall give, or cause to be given, any number of lashes contrary to the true intent and meaning of this clause, such workhouse keeper shall suffer punishment by fine, not exceeding ten pounds: and the several penalties and fines under this clause are to be recovered before any three justices of the peace, who may commit the person so offending to gaol until such penalties or fines are paid, or may issue their warrant for the levying and sale of the same, of the goods and chattels of the offender.

39.—And be it further enacted by the authority aforesaid, that in case any justice or justices of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves has or have been improperly punished contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such magistrate to associate two

other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and if upon inquiry, it shall be found that the said complaint is true, it shall be the duty of the said magistrates, and they are hereby required to proceed against the offender according to law; but if it shall appear that such complaints was groundless, the said magistrates shall punish the complainant and the person giving information thereof, in such manner as to them may seem proper.

40.—And be it further enacted by the authority aforesaid, that no such person shall on any pretence whatsoever, punish any Negro or other Slave, whether his own property or otherwise, by fixing or causing to be fixed, an iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave for any offence whatsoever with chains or weights of any kind, other than a light collar without hooks, to indicate that such Slave is an incorrigible runaway, or one accustomed to commit depredations on the grounds of the other Negroes, and which collar shall only be put on by the directions of a magistrate, on complaint being made, under a penalty of not less than five pounds nor exceeding fifty pounds, to be recovered in a summary manner before two or more justices of the peace of the parish or precinct where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed, and required, under the penalty of one hundred pounds on information and view of such offence, to order such collar, chains, irons, or weights to be immediately taken off from the Slave or Slaves wearing or bearing the same.

41.—And be it further enacted, that no Slave (such only excepted as are going with firewood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom) shall, from and after the commencement of this Act, be suffered or permitted to go out of his or her master's or owner's plantation or settlement, or to travel from one town or place to another, unless such Slave shall have a ticket from his master, owner, employer, or overseer, expressing particularly the time of such Slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every Slave so offending, to be recovered from the master, owner, employer, or overseer in a summary manner before any one justice of the peace by warrant of distress, complaint being made to him on oath, unless the master, owner, employer, or overseer of such Slave shall prove upon oath before any justice of the peace of the parish or precinct where such master, owner, employer, or overseer, may or shall live or happen to be, that he did give the said Slave such ticket as aforesaid, or that such Slave went away without his consent, in which case the justice to order punishment; and if such justice shall neglect or refuse his duty, either in causing the penalty to be forthwith levied on complaint being made to him as aforesaid, on the owner, overseer, or any other person who shall suffer a Slave, being under his or their direction, to go without a ticket as aforesaid, every justice so offending shall forfeit the sum of five pounds, any law, custom, or usage to the contrary notwithstanding.

42.—And be it further enacted by the authority aforesaid, that no ticket shall be granted to any Slave or Slaves, for any time exceeding one calendar month.

43.—And whereas it is very dangerous to the peace and safety of this island to suffer Slaves to continue as runaways, and it is absolutely necessary to declare and make known to the public what Slaves shall be deemed such: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, any Slave or Slaves, who shall be absent from his owner or employer without leave, for the space of five days, or who shall be found at the distance of eight miles from the house, plantation, or other settlement to which such Slave or Slaves shall belong, without a ticket or other permit to pass except as hereinbefore excepted, in going to and returning from market, shall be deemed a runaway.

44.—And be it therefore enacted by the authority aforesaid, that if any Slave shall run away from his or her owner, or lawful possessor, and continue absent for a term exceeding six months, such Slave being con-

victed thereof, shall be sentenced to be confined to hard labour for such time as the court shall determine, or be transported for life, according to the magnitude of the offence.

45.—And be it further enacted by the authority aforesaid, that if any Slave shall run away from his or her lawful owner or possessor as aforesaid, and continue absent for any time not exceeding six months, such Slave shall be liable to be tried before two justices, and upon conviction thereof shall, for the first offence, suffer such punishment by flogging or confinement to hard labour, not exceeding three months, as the said two justices shall think proper to direct; but if the said Slave hath frequently run away, and is by his or her owner or possessor, declared to be an incorrigible runaway, he or she shall be tried as if he or she had been run away from his or her said owner or possessor, and continued absent for a term exceeding six months, and such Slave being convicted thereof, shall be sentenced to be confined to hard labour, or be transported for life, as the court shall direct.

46.—And be it further enacted by the authority aforesaid, that every Slave or Slaves who shall knowingly harbour or conceal any runaway Slave or Slaves, or shall furnish a ticket or letter to such runaway Slave or Slaves, for the purpose of enabling them to escape detection, shall be liable to be tried for the same at the Quarter Sessions or Special Slave Court, hereinafter appointed, and on conviction shall suffer such punishment as the court shall think proper to direct, not extending to life.

47.—And be it further enacted by the authority aforesaid, that if a white person, or person of free condition, shall wilfully and knowingly employ, harbour, or conceal any runaway Slave, he, she, or they, shall be liable to be indicted in the Court of Quarter Sessions of the parish or precinct where such offence has been committed, and on conviction shall suffer such punishment by fine not exceeding fifty pounds, or by imprisonment not exceeding three months, as the court shall think proper to inflict, and also the further sum of three shillings and four pence per day for every day such Slave or Slaves may have been so runaway, to be paid to the owner or possessor of such Slave, to be recovered in the same manner, and by the same remedy as the fine: Provided nevertheless, that nothing in this clause shall prevent the injured party from prosecuting under the Act commonly called the Inveigling Act, if it shall be deemed proper.

48.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace, and he is hereby authorized and required upon complaint made to him on oath, that any Slave or Slaves are runaway, or on suspicion or probable intelligence of the same, and that he, she, or they have absconded themselves from the service of their owners or employers, to grant a warrant to search for and apprehend all such runaway Slaves, as also such Slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, or concealing such runaway Slaves; and it shall and may be lawful for any person or persons so authorized by warrant as aforesaid, to enter any Negro house or houses or other place occupied by any Slave or Slaves, having first given notice to the master, owner, manager, or overseer on the plantation, to which such house or houses, or other places as aforesaid, belong, or proprietor, or occupier of any house; and after such warrant obtained, and notice given as aforesaid, to break open the door or doors of such Negro houses or rooms, into which admittance shall be refused, provided such warrant be executed by a lawful constable, or some white person or free person, specially sworn as a constable for the purpose.

49.—And whereas the more effectually to conceal runaway Slaves, or to prevent their being apprehended, tickets are given by ill-disposed persons of free condition: Be it therefore enacted by the authority aforesaid, that any white person, or person of free condition, granting or giving a letter or ticket to enable any Slave to absent himself or herself from his or her owner or possessor, shall be liable to be tried for the said offence, before the Supreme Court of Judicature, or in either of the Courts of the Assize, or Courts of Quarter Sessions in this island, where the offence shall be committed, and on conviction, shall suffer such punishment by fine or imprison-

ment, or both, as the court in their discretion shall think proper to inflict, not extending to life.

50.—And be it further enacted by the authority aforesaid, that any Slave or other person or persons whatsoever, who shall apprehend any runaway Slave or Slaves, shall, for every one so apprehended, be entitled to receive from the owner, employer, overseer, or manager of such Slave or Slaves, the sum of ten shillings and no more, besides mile money, at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards: Provided nevertheless, that nothing in this Act contained, shall be construed to extend to an allowance of the said sum of ten shillings and mile money, in addition to the sum allowed to Maroon Negroes for apprehending runaways; and provided also, that it is not hereby intended to deprive the said Maroons of their legal and established reward of forty shillings for each Negro.

51.—And be it further enacted by the authority aforesaid, that the person or persons so apprehending such runaway Slave or Slaves, shall convey him, her, or them, to their respective owner, employer, or manager, or to a justice of the peace, who shall or may commit him, her, or them, to the nearest workhouse, and the workhouse keeper is hereby required and ordered to receive such Slave or Slaves into custody, and to pay the party delivering such Slave or Slaves, the said sum of ten shillings and mile money as aforesaid, and no more, for each Slave so delivered, under the penalty of five pounds.

52.—And to the end that the owners or proprietors of runaway Slaves may have a due knowledge where such Slaves are confined, after their being apprehended and sent to any workhouse in this island, in order that such owners or proprietors may apply for such Slaves: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all and every the workhouse keepers in any of the parishes of this island, shall, and they are hereby obliged, once in every week, to advertise in the Gazette of Saint Jago de la Vega, the Royal Gazette, and the Cornwall Chronicle, the height, names, marks, and sex, and also the country where the same can be ascertained, of each and every runaway Slave then in custody, together with the time of their being sent into custody, and the name or names of the owner or owners thereof, if known, and that upon oath, under the penalty of ten pounds for every Slave so neglected by him to be advertised, and for the expense of such advertisement, they the said workhouse keepers shall and may, and they are hereby authorized to charge the owner or proprietor of such runaway Slaves so advertised, at and after the rate of three shillings and fourpence per month for each paper, and no more, which said sum of three shillings and fourpence per month for each paper, so to be paid to the printers of the several papers respectively, the amount of whose accounts, after being properly authenticated upon oath, shall be paid annually by the treasurers for the time being of the several workhouses in this island, and that it shall and may be lawful for the workhouse keeper to detain and keep in custody such runaway Slave or Slaves until the owner or owners thereof, or some person on their behalf properly authorized, shall pay unto such workhouse keeper what shall have been paid to the person or persons who apprehended and brought such Slave or Slaves into custody, with two shillings and sixpence in the pound for laying out the money, the cost of advertising at and after the rate above mentioned, and sixpence for twenty-four hours such Slave or Slaves shall have been in custody for maintenance, and twopence per day for medical care and extraordinary nourishment where necessary, the expense of clothing when supplied, and also the charges of advertising above directed, and no other fees whatever; and that the workhouse keeper and no other person, shall attest upon oath, that the charges in the account for mile money, and the reward for apprehending such Slave, were actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to law: Provided always, and it is hereby declared, that the owner or owners of any Slave to be committed by the judgment of any court, or by order of any magistrates, to any workhouse by way of punishment, shall not be answerable for or compelled to pay the workhouse fees for the time such Slave shall be so committed and confined.

53.—And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol in this island, shall, under the penalty of ten pounds for every neglect, provide and give to every Slave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions daily, that is to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full grown plantains, or eight pounds of cocoes or yams, and also one herring or shad, or other salted provisions equal thereto; and shall also, under the like penalty, provide and supply every such Slave confined as aforesaid, with good and sufficient clothing where necessary.

54.—Provided always, and it is hereby enacted by the authority aforesaid, that in case any Negro or other person sent in and detained in any workhouse as a runaway Slave, shall allege himself or herself to be free, it shall be the duty of the custos or senior justice of the parish or precinct wherein such workhouse is situated, to convene, as soon as conveniently may be, a Special Sessions, consisting of not less than three justices of the peace of such parish or precinct, and of which Special Sessions, and of the time and place of holding the same, due notice shall be given in the several county newspapers of this island, and which Special Sessions being so convened, shall carefully and attentively investigate, inquire into, and examine the truth of such allegation; and if it shall appear to such Special Sessions that such person so detained as a runaway Slave is free, such person shall be forthwith discharged; and in case it shall appear to such Special Sessions that such person is a Slave, he or she shall be forthwith remanded to the workhouse whereto he or she had been sent: Provided always, and it is hereby declared, that the decision of such Special Sessions shall be without prejudice to the prosecution of the right or title of any person to such runaway, or to the prosecution by such person detained as a runaway of his or her right or title to his or her freedom.

55.—And it is hereby further enacted by the authority aforesaid, that no Slave or Slaves so detained as a runaway Slave or Slaves shall be sold by any workhouse keeper until such Special Sessions has been convened and held, and such investigation, inquiry, and examination had, and the same being certified by the justices attending such Special Sessions under their hands and seals; and the sale of any such runaway Slave or Slaves made without such certificate being obtained, shall be, and the same is hereby enacted and declared to be, null and void to all intents and purposes, and no right, title, or interest whatsoever shall pass thereunder to any purchaser whomsoever, anything in this Act, or in an Act of the Lieutenant, Governor, Council, and Assembly of this island, made and passed in the thirty-second year of his late Majesty's reign, entitled "An Act for establishing public Workhouses in the several Parishes in this Island;" or any other Act, law, usage, or custom to the contrary in anywise notwithstanding.

56.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, every workhouse keeper in this island, who shall have any action in replevin, *homine replegiando*, or ejectment, brought against him for any Negro or other Slave or Slaves in his custody, shall, under a penalty for every offence not less than five pounds, nor exceeding fifty pounds, as shall be inflicted by the judges of his Majesty's Supreme Court of Judicature or Courts of Assize in this island, immediately after he receives such replevin, *homine replegiando*, or ejectment, give notice in the several country newspapers of such action, and at whose suit it is brought, and the name or names of such Negro or other Slave or Slaves, together with his, her, or their mark or marks, and the best information he can get concerning the real owner of such Slave or Slaves, and shall continue such notice for four weeks before the trial shall be had upon such replevin, *homine replegiando*, or ejectment, or such Slave or Slaves to be taken out of the custody of such workhouse keeper; the costs of which, and all other expenses incurred, shall be paid to such workhouse keeper by the person who shall receive such Slave or Slaves; and if any person or persons shall give notice to such workhouse keeper of his, her, or their intention to take the defence of any action so brought, such workhouse keeper shall detain in his custody the Slave or

Slaves, for or by whom such action shall be brought, until the trial of such action, or order of the court thereon, under the penalty of one hundred pounds, unless the security offered in cases of *homine replegiando*, shall justify before a judge of the Grand Court or Courts of Assize, in such sum as such judge shall think proper; notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

57.—And whereas several Slaves have found means to run away from their owners and depart from this island, to the great damage of such owners, in evil example to other Slaves, who may be thereby induced to attempt or conspire to do the same; and whereas there is reason to suspect that such Slaves have been aided and assisted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such running away or departure, or attempting or conspiring to run away and depart from this island, or for persons aiding, assisting, or abetting such runaways; for remedy whereof, Be it enacted by the authority aforesaid, that from and after the commencement of this Act, if any Slave shall run away from his, her, or their owner or owners, employer or employers, and go off, or conspire or attempt to go off this island, in any ship, boat, canoe, or other vessel, or craft whatever, or be aiding, or abetting, or assisting, to any other Slave or Slaves in such going off this island, he, she, or they, so running away and going off, or conspiring or attempting to go off, or so aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer such punishment as the court shall think proper to direct, not extending to life.

58.—And be it further enacted by the authority aforesaid, that if any white person or person of free condition, shall knowingly be aiding, assisting, or abetting any Slave or Slaves in going off this island, he, she, or they being convicted thereof, by bill, plaint, or information, in the Supreme Court of Judicature, or either of the Courts of Assize of this island, shall forfeit the sum of three hundred pounds for each Slave, one moiety whereof shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprise.

59.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, or abetting any Slave or Slaves in going off this island, whether the principal or principals be convicted or not, anything in this or any other Act, law, custom, or usage to the contrary thereof notwithstanding.

60.—And be it further enacted by the authority aforesaid, that no Negro or other Slave shall be allowed to travel the public roads with dogs or cutlasses or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules, or asses in any part of this island with lances, guns, cutlasses, or other instruments of death, unless in the company of his or their master, overseer, or some other white person, by him or them deputed, or by permission in writing; and if any Negro or other Slave shall offend contrary to the true intent and meaning of this Act, he, she, or they, being thereof convicted before three justices, shall suffer such punishment as they shall think proper to inflict, not extending to life or transportation for life.

61.—And be it further enacted by the authority aforesaid, that if any master, owner, guardian, possessor or attorney, overseer or book-keeper of any plantation or settlement, shall hereafter suffer any strange Slaves to assemble together and beat their drums, and blow their horns or shells, upon any plantation, penn, or settlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperse or prevent the same, by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said Slaves, every such master, owner, guardian, possessor or

attorney, overseer or book-keeper, shall for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or Courts of Assize or Quarter Sessions of the parish wherein such offence shall be committed, pay a fine of fifty pounds to his Majesty, his heirs and successors, for and towards the support of the government of this island and the contingent charges thereof: Provided nevertheless, that information of such offence shall be made upon oath, before any of his Majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

62.—And be it further enacted by the authority aforesaid, that all officers, civil and military, shall be, and are hereby empowered and required to enter into any plantation, settlement, or other place, to disperse all such unlawful assemblies, and to suppress and prevent all unlawful drummings and other noise as before mentioned, any law, custom, or usage to the contrary notwithstanding, according to the nature, degree, or circumstances of the case.

63.—And whereas it has been found by experience, that rebellions often have been concerted at Negro dances, and nightly meetings of Slaves, and as it has been found also, that those meetings tend much to injure the health of the Negroes: Be it therefore enacted by the authority aforesaid, that if any owner, or proprietor, overseer, or in his absence, any book-keeper, or other person, having the care and management of any plantation or settlement, shall suffer any Slaves to assemble together, or beat their drums, or blow their horns or shells, every such owner, or proprietor, overseer, book-keeper, or other person so offending, shall for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or before the justices of Assize or Court of Quarter Sessions wherein such offence shall be committed, suffer imprisonment without bail or mainprize for any term not exceeding six calendar months, provided information is made upon oath as aforesaid, before one of his Majesty's justices of the peace, within fourteen days after the commission of such offence; but nothing herein contained shall be construed to prevent any master, owner, or proprietor of any plantation or settlement, or the overseer thereof, from granting liberty to the Slaves of such plantation or settlement only, for assembling together upon such plantation or settlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns, or shells, but that they shall and may grant such liberty, when and as often as they please, anything in this or any other Act to the contrary notwithstanding: Provided that such amusements are put an end to by twelve of the clock at night.

64.—And in order to prevent riots and nightly meetings among Negro and other Slaves, to the disturbance of the public peace, and endangering their healths: Be it therefore enacted by the authority aforesaid, that all Negro burials shall in future take place in the day-time, so that the same may be ended before sunset; and if any master, owner, or possessor of Slaves, his or her overseer or chief manager, shall knowingly suffer or permit the burial of any Slave otherwise than as before directed, he shall forfeit the sum of fifty pounds; and if any burials shall take place in any of the towns of this island, or in savannas, commons, or other places, not in charge of an overseer, after sunset, every person of free condition, in whose house, yard, or premises, any Slaves shall be permitted to assemble for attending such burial, shall forfeit a sum not less than five pounds nor exceeding fifty pounds, and the Negro or other Slaves who shall meet for the purpose of attending such burial, or be found thereat, shall, upon conviction before three or more magistrates, suffer such punishment as the said magistrates shall direct, not exceeding thirty-nine lashes.

65.—And be it further enacted by the authority aforesaid, that if any white or free person shall hereafter suffer any unlawful assembly of Slaves at his or her house, or settlement, every such free person shall, upon due conviction thereof before any Court of Quarter Sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months: Provided nevertheless, that information thereof shall be given on oath within fourteen days of such unlawful meeting.

66.—And be it further enacted by the authority aforesaid, that if any white or free person or persons, or any Slave or Slaves, shall knowingly suffer any person to game with any Slave or Slaves, in any house or outhouse in his charge, or shall be found gaming with any Slave or Slaves, such person and persons shall and may be apprehended and taken before any three justices of the peace in the parish in which such person or persons shall be apprehended, who are hereby authorized and empowered to inflict on such person or persons if a Slave or Slaves, such corporeal punishment by whipping, not exceeding thirty-nine lashes, as such justices shall, upon conviction thereof, think proper to order and direct, and if a white or free person, shall and may commit such white or free person to the nearest common gaol for any period of time not exceeding six days.

67.—And whereas it may happen that Slaves directed to be manumized by will, may find it difficult to establish their freedom, by reasons of the person or persons acting under such will, refusing to enter into the security required by law on the manumission of Slaves: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, whenever any person shall, by will in writing, expressly manumize, or direct to be manumized, any Slave or Slaves belonging to him or her, the usual bond required by law in cases of manumission, shall not be necessary, but the estate of the person so manumizing any Slave or Slaves, or directing any Slave or Slaves to be manumized, shall be, and the same is hereby declared to be, liable to the payment of the annual sum, required by law to be paid to any Slave manumized, and the freedom of such Slave so manumized or directed to be manumized by will, shall be at once established: Provided always, that nothing in this Act contained, shall extend or be construed to extend to exempt such Slaves so manumized, from any debt or demand against the estate of the testator, to which such Slave or Slaves should be otherwise liable.

68.—And provided always, and it is hereby enacted, that any will in writing which by law would be deemed valid, and sufficient for disposing of goods and chattels, or other personal estate, shall be, and the same is hereby declared to be valid, and sufficient for manumizing, or directing to be manumized, any Slave or Slaves, anything in a certain statute, made and passed in the twenty-ninth year of the reign of his Majesty King Charles the Second, commonly called the Statute of Frauds and Perjuries, or in a certain Act of the Governor, Council, and Assembly in this island, made and passed in the sixteenth year of his late Majesty's reign, entitled "An Act to regulate the Devises of Negro, Mulatto, and other Slaves in Wills," or any act, law, usage, or custom to the contrary, in anywise notwithstanding.

69.—Whereas it sometimes happens, that persons in possession of Slaves, by reason of their having only an interest for life, or other limited freehold estate in such Slaves, or by limitations, trusts, or other legal impediments, are prevented from giving an effectual manumission to such Slaves, although desirous so to do, and it is proper that owners should possess in all cases the power of rewarding fidelity and good conduct in their Slaves by manumission, where the same can be effected without prejudice to the rights of other persons: Be it therefore enacted by the authority aforesaid, that any person or persons having legal or equitable estate for life, or for other freehold interest in, and being in the actual possession of any Slave, and who shall be desirous, or consenting that such Slave should be made free, shall be entitled to make an application to the custos or senior magistrate of the parish where such Slave shall reside; and in case such custos or senior magistrate shall be related to the party applying, or interested in the matter, then to some other magistrate, and shall deliver a written statement verified upon the oath of the applicant or applicants, or in case of absence of his, her, or their attorney, duly constituted; which oath the said custos or senior or other magistrate is hereby authorized to administer, stating the nature and extent of the interest of such person or persons, and the different rights, claims, and limitations to which such Slave is subject, and the impediments which prevent such Slave being manumitted in the ordinary manner; and such custos or

senior, or other magistrate, shall associate to himself two other magistrates disinterested in the matter, and shall inquire into the merits of the application; and if such application shall appear to the said magistrates, or any two of them, to be well founded, three indifferent persons shall be appointed as valuators, one of whom to be named by the party or parties applying, and another by the person or persons entitled in remainder or otherwise interested, or if a minor by his or her guardian, and appearing personally, or by his, her or their attorney or attornies lawfully constituted, before the said magistrates, and the third to be nominated by the said magistrates; and in case no other person or persons shall appear before the said magistrates, having an interest in the said Slave, then two of the said valuators shall be appointed by the said magistrates, and such three persons shall inquire into the value of the Slave so intended to be manumized, and shall make their report in writing under their signatures, to the said three magistrates: Provided always, that if the person having such vested estate or interest as aforesaid, or such estate in remainder, shall be covert, the consent of such femme covert to such manumission, and her authority to any person or persons to appoint a valuator, given in the same manner as by the laws of this island is required, in the execution of deeds by femme covert, and recorded in the office of secretary of this island, shall be sufficient to authorize the magistrate to give such authority and order as hereinafter mentioned, and when such femme covert is absent from this island, to dispense with her appearance before them: Provided, that before such custos, or senior, or other magistrate, shall entertain such application, it shall be made to appear to him, that notice has been given in the three county newspapers, for three weeks successively, of the intention to make such application, stating the name or names of the person or persons applying, the name or names of the Slave, the place or places where such Slave has been resident for the last twelve months, and the time when such application is intended to be made.

70.—And be it further enacted by the authority aforesaid, that when such valuation shall be reported and appoved of, the said custos, or senior, or other magistrate, and his associates shall, and they are hereby required to give an authority to the receiver general to receive the amount of the valuation, and to place the sum, when paid, to the credit of the person or persons interested in the said Slave, and the said amount shall bear an interest of six per cent, payable out of the public funds, so long as the same shall remain in the hands of the receiver general.

71.—And it is further enacted by the authority aforesaid, that the receiver general shall give to the party or parties paying in the amount of the valuation, a certificate under his hand, that the same has been paid to him; and upon the production of such certificate of the receiver general to the said custos or senior, or other magistrate and his associates, they are hereby authorized and required again to meet, and give an order for the manumission of the said Slave in manner following:

"Whereas A. B., of did, on the day of last past, appear before us, and did make a statement upon oath, that he was tenant for life, (or as the case may be,) and in the actual possession of a certain Slave named , and that he was desirous that the said Slave should be made free, but that he was prevented from so doing by reason of legal impediments: And whereas the said Slave named , hath been valued by three indifferent persons, at the sum of pounds, and a certificate of the receiver-general hath been produced to us, that the amount of such valuation hath been paid into his office. We do, therefore, in pursuance of an Act of the Governor, Council, and Assembly, declare the said Slave to be free. In witness whereof, we have hereunto set our hands and seals this day of "

72.—And it is hereby enacted by the authority aforesaid, that the said order of manumission, together with the valuation and the receiver general's certificate annexed thereto, shall be entered in the office of the secretary of this island, and be recorded in a separate book for manumissions, and shall not be delivered out except under an order of the Court of Chancery

or Supreme Court, but shall be kept in the said office as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals.

73.—And be it further enacted by the authority aforesaid, that the amount of the valuation or the interest thereof shall be paid by the receiver general, under an order of the Court of Chancery or of the Supreme Court, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature whether real or personal estate, as the Slave would have been, if proceedings under this Act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts and encumbrances, as the Slave was subject to; and it shall be in the power of the said courts or either of them, to direct the principal or the interest thereof to be paid by the receiver general, according to the rights of the different owners or their creditors.

74.—And be it further enacted by the authority aforesaid, that in case any Slave manumized in pursuance of this Act, shall have belonged at the time of his or her manumission to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave after being so manumized, if a male, shall die in the lifetime of the tenant for life, or being a female Slave, shall die in the lifetime of the tenant for life, without leaving her surviving any child or children born after the date of the manumission, or such child or children shall after her death, die in the lifetime of the tenant for life, then and in every such case, the person or persons in remainder, shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life.

75.—And whereas it may sometimes happen that the persons desirous of effecting such manumission as aforesaid, may wish to invest the consideration of such manumission in the purchase of other Slaves, instead of placing the same in the hand of the receiver general, or may be prevented from carrying their intentions into effect, without incurring considerable expense by reason of the estate to which the Slave or Slaves so intended to be manumized may belong, being in the hands of a receiver appointed by the Court of Chancery: Be it enacted by the authority aforesaid, that in all such cases it shall and may be lawful for the person or persons so desirous of effecting such manumission as aforesaid, under and subject to the same regulations as are hereinbefore prescribed, relative to persons having only a limited interest, to invest the consideration which he, she, or they, shall have received, in the purchase of other Slave or Slaves to be held by him, her, or them, subject to the same descent, limitations, trusts, orders, debts, and encumbrances to which the Slave or Slaves so manumized shall have been subject.

76.—And whereas it is now required by law in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish, for payment of an annuity of five pounds for the maintenance of any Slave intended to be manumized, and such bond is in may cases unnecessary: Be it further enacted by the authority aforesaid, that it shall not be necessary to give such bond to the churchwardens, provided that in lieu thereof the Slave intended to be manumized, shall be produced to the magistrates and vestry of the parish where such Slave shall reside, or it shall be otherwise shewn to their satisfaction, that the manumission is not given for the purpose of relieving the owner from the obligation of maintaining an aged or infirm Slave, a certificate whereof shall be given by the clerk of the vestry, and shall be annexed to and entered in the secretary's office with the deed of manumission.

77.—And whereas it is expedient to prevent Slaves from being purchased by persons for the purposes of re-sale, and to prevent such re-sale: Be it enacted, that from and after the commencement of this Act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any Negro, Mulatto, or other Slave or Slaves, it shall and may be lawful for any person whomsoever, to seize and detain any such

person or persons, and the Slave and Slaves under his or their charge, and to carry such person or persons, and Slave or Slaves, before any one of his Majesty's justices of the peace of the parish where such offence shall be committed; which said justice, is hereby authorized and required to call to his assistance two other justices of the said parish, and which three justices being so associated, shall on due proof on oath, that the party or parties brought before them, had been found exposing or offering a Slave or Slaves to sale contrary to the true intent and meaning of this Act, cause the said Slave or Slaves so offered for sale to be publicly sold, by warrant under the hands and seals of the said three justices, one moiety of the monies arising from the sale thereof, after deducting the expenses of the said sale, to be paid into the hands of the churchwardens of the said parish where the offence shall be committed, for the use of the poor of the said parish, and the other moiety to the use of the person or persons who shall bring the offender or offenders before the said justices.

78.—And it is hereby enacted and declared, that the oath of the person or persons bringing such offender or offenders before the said justices, shall be received and taken, and shall be considered good evidence against such offender or offenders.

79.—And be it further enacted by the authority aforesaid, that if any sale or sales of Slaves shall be so made as aforesaid, the same shall be and are hereby declared to be null and void, and that no title shall accrue to the purchaser or purchasers thereof, and any Slave or Slaves so sold, shall become forfeited; and any justice of the peace, on receiving information on oath, of any such sale or sales, shall issue his warrant to take up such Slave or Slaves; and if it shall appear to his satisfaction, that such Slave or Slaves has or have been so sold, he shall declare the same to be forfeited, and proceed to sell the said Slave or Slaves, and apply the money arising from such sale in manner hereinbefore mentioned.

80.—And it is hereby enacted by the authority aforesaid, that no writ of *certiorari* or other process shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this Act, into the Supreme Court of Judicature, or any other of the courts of this island.

81.—And whereas it is absolutely necessary that the Slaves in this island should be kept in due obedience to their owners, and in due subordination to the white people in general, and as much as in the power of the legislature, all means and opportunities of Slaves being concerned in rebellious conspiracies, and committing other crimes to the ruin and destruction of the white people and others in this island, prevented, and that proper punishment should be appointed for all crimes by them committed: Be it therefore enacted by the authority aforesaid, that if any Slave or Slaves shall, after the commencement of this Act, enter into or be concerned in any rebellion or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire to any houses, out-houses, Negro houses, cane pieces, grass or corn pieces, or break into such houses, out-houses, or Negro houses in the day-time, no person being therein, and stealing thereout, or commit any other crime which would subject white persons or persons of free condition to be indicted for felony, such Slave or Slaves shall, for every such offence or offences, upon trial and conviction thereof, in manner herinafter mentioned, suffer death, transportation, or such other punishment as the court shall think proper to direct, according to the nature and extent of the offence.

82.—And be it further enacted by the authority aforesaid, that if any Slave shall assault or offer any violence by striking or otherwise, to or towards any white person or persons of free condition, such Slave, upon due and proper proof, shall upon conviction be punished with death, transportation, or confinement to hard labour for life or a limited time, or such other punishment, according to the nature of the offence, as the court shall in their discretion think proper to inflict, provided such assault or violence be not by command of his, her, or their owners, overseers, or persons intrusted with them, or in the lawful defence of their owners, persons, or goods.

83.—And be it further enacted by the authority aforesaid, that if any

Slave or Slaves shall hereafter be found to have in his, her, or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs, or balls, without the knowledge or consent of his or their owner, proprietor, or possessor, or his, her, or their overseer, such Slave or Slaves shall be taken before three magistrates, who shall, if they are of opinion that the same was with evil intent, commit such Slave or Slaves to the gaol, to be tried at the Court of Quarter Sessions or Special Slave Court, as hereinafter directed, and upon conviction, the said Slave or Slaves shall suffer transportation, or such other punishment as the court shall think proper to direct, not extending to life.

84.—And in order to prevent the many mischiefs that may hereafter arise from the wicked acts of negroes going under the appellation of Obeah men and women, and pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from many evils which might otherwise happen: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, any Slave who shall pretend to any supernatural power, in order to excite rebellion or other evil purposes, or shall use, or pretend to use, any such practices with intent or so as to affect or endanger the life or health of any other Slave, shall, upon conviction thereof, suffer death or transportation, or any such punishment as the court may direct, anything in this or any other Act to the contrary in anywise notwithstanding.

85.—And whereas it has been found that the practice of ignorant, superstitious, or designing Slaves of attempting to instruct others, has been attended with the most pernicious consequences, and even with the loss of life: Be it enacted, that any Slave or Slaves, found guilty of preaching or teaching as Anabaptists or otherwise, without a permission from their owner and the Quarter Sessions for the parish in which such preaching or teaching takes place, shall be punished in such manner as any three magistrates may deem proper, by whipping, or imprisonment in the workhouse to hard labour.

86.—And whereas the assembly of Slaves and other persons after dark, at places of meeting belonging to dissenters from the established religion and other persons professing to be teachers of religion, has been found extremely dangerous, and great facilities are thereby given to the formation of plots and conspiracies, and the health of Slaves and other persons has been injured in travelling to and from such places of meeting at late hours in the night: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all such meetings between sunset and sunrise shall be held and deemed unlawful; and any sectarian, dissenting minister, or other person professing to be a teacher of religion, who shall, contrary to this Act, keep open any such place of meeting between sunset and sunrise, for the purpose aforesaid, or permit or suffer any such nightly assembly of Slaves therein, or be present thereat, shall forfeit and pay a sum not less than twenty pounds, or exceeding fifty pounds for each offence, to be recovered in a summary manner before any three justices by warrant of distress and sale, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and in default of payment thereof the said justices are hereby empowered and required to commit such offender or offenders to the common gaol, for any space of time not exceeding one calendar month: Provided always that nothing herein contained shall be deemed or taken to prevent any minister of the presbyterian kirk, or licensed minister, from performing divine worship at any time before the hour of eight o'clock in the evening, at any licensed place of worship, or to interfere with the celebration of divine worship, according to the rites and ceremonies of the Jewish and Roman Catholic religions.

87.—And whereas under pretence of offerings and contributions, large sums of money and other chattels have been extorted by designing men professing to be teachers of religion, practising on the ignorance and superstition of the Negroes in this island, to their great loss and impoverish-

ment: And whereas an ample provision is already made by the public and by private means for the religious instruction of the Slaves: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, it shall not be lawful for any dissenting minister, religious teacher, or other person whatsoever, to demand or receive any money or other chattel whatsoever from any Slave or Slaves within this island, for affording such Slave or Slaves religious instruction, by way of offering contributions, or any other pretence whatsoever; and if any person or persons shall, contrary to the true intent and meaning of this Act, offend herein, such person or persons shall, upon conviction before any three justices, forfeit and pay the sum of twenty pounds for each offence, to be recovered in a summary manner by warrant of distress and sale, under the hands and seals of the said justices, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and in default of payment, the said justices are hereby empowered and required to commit such offender or offenders to the common gaol for any space of time, not exceeding one calendar month.

88.—And whereas a practice of nightly and other private meetings has frequently taken place amongst the Slaves in several parts of this island, and which have been unknown to the owner, attorney, or other person having charge of the Slaves of the property, and as such meetings are injurious to the health of the Slaves and of dangerous tendency: Be it therefore enacted by the authority aforesaid, that in future all such meetings shall be deemed unlawful, and the persons who shall or may attend them shall be liable to be apprehended and taken before any magistrate of the parish wherein the offence shall be committed; and if any white person, or person of free condition attend such meeting, and it appears to the said magistrate on the oath of the person accusing the party, or on the oath of any other person, that he or she is guilty, he or she shall be committed to the gaol to be tried at the next Quarter Sessions of the parish for the said offence, and if convicted thereof, he or she shall be sentenced to imprisonment in the county gaol for such period of time as the justices before whom he or she shall be convicted, think proper to direct, not exceeding three months; and if the offender be a Slave, he or she shall be tried at the Quarter Sessions or Special Slave Court, and if convicted thereof, he or she shall be sentenced by the said court to hard labour for such time as the court shall think proper to direct, or to receive such other punishment by whipping, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

89.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave or Slaves shall mix or prepare, with an intent to give or cause to be given, any poison, or poisonous, or noxious drug, pounded glass, or other deleterious matter in the practice of Obeah or otherwise, although death may not ensue on the taking thereof, the said Slave or Slaves, together with their accessaries as well before as after the fact (being Slaves), being duly convicted thereof, shall suffer death or such other punishment as the court shall award, anything in this or any other Act to the contrary in anywise notwithstanding.

90.—And be it further enacted, that if there shall be found in the possession of any Slave any poisonous drugs, pounded glass, or any materials used in the practice of Obeah or witchcraft, such Slave upon conviction shall be liable to suffer transportation from this island, or such other punishment not extending to life, as the court shall think proper to direct.

91.—And whereas it is necessary to prevent secret and unlawful meetings of Slaves: Be it therefore enacted by the authority aforesaid, that all and every Slave or Slaves who shall be found at any meeting formed either for the purpose of administering unlawful oaths by drinking human blood mixed with rum, grave dirt or otherwise, or of learning the use of arms, or for any other unlawful or dangerous purpose, such Slave or Slaves shall on conviction thereof, suffer death or transportation for life, or such other punishment as the court shall direct.

92.—And be it further enacted by the authority aforesaid, that if any white person, or person of free condition shall be present at any such meeting, and aiding and assisting in any of the unlawful purposes beforementioned, such person or persons shall upon conviction thereof in the Supreme Court or either of the Courts of Assize of this island, be punished with death, transportation off this island for life, or fine or imprisonment, or both, at the discretion of the court before whom such person or persons shall be tried.

93.—And be it further enacted by the authority aforesaid, that if any person or persons having knowledge of such unlawful meetings as aforesaid, shall not forthwith give information thereof to a justice of the peace, such person or persons shall on conviction before the Supreme or either of the Courts of Assize or Courts of Quarter Sessions of this island, suffer such punishment by fine or imprisonment, or both, or by public flogging, as the court before which such person or persons shall have been so convicted shall direct.

94.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall after the commencement of this Act, steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or any part of the flesh thereof, such Negro or other Slave shall on conviction thereof suffer death, transportation, or such other punishment as the court shall in its discretion inflict.

95.—And whereas great numbers of horned cattle, sheep, goats, hogs, horses, mares, mules, and asses, are frequently stolen and killed by Negro and other Slaves in so secret and private a manner that it is with the greatest difficulty they can be found out and discovered in such manner as to convict them of such offence, although large quantities of beef, mutton, and the flesh of other valuable animals are found upon him, her, or them; in order, therefore, to prevent such evils in future, and to punish the perpetrators of such Acts agreeable to their crimes: Be it enacted by the authority aforesaid, that if any Negro or other Slave shall fraudulently have in his, her, or their custody or possession, unknown to his, or her master, owner, overseer, or other person who shall have the overlooking or employing of such Slave, any fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass in any quantity not exceeding twenty pounds' weight, without giving a satisfactory account in what manner he or she became possessed thereof, such Negro or other Slave, upon conviction thereof before any magistrate, shall be whipped in such manner as such justice shall direct, not exceeding thirty-nine lashes; and if there shall be found in his, her, or their custody or possession a larger or greater quantity than twenty pounds' weight of fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, and such Slave shall not give a satisfactory account how he or she became possessed of such meat, then such Negro or other Slave, upon conviction thereof, shall suffer such punishment as any three justices shall think proper to inflict or direct, not extending to life, or imprisonment for life.

96.—And be it enacted by the authority aforesaid, that if any Negro or other Slave shall wantonly and cruelly cut, chop, shoot at, or otherwise maim and injure any horned cattle, horse, gelding, mare, mule, or ass, such Negro or other Slave, shall for every such offence be tried in a summary manner before three or more justices of the peace of the parish or precinct where the offence shall be committed, and the said justices of the peace shall, on conviction of such Slave or Slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, to be inflicted at one or more different times, or two months' hard labour in the workhouse; and in all cases where, from such treatment as above set forth, any horned cattle, horse, gelding, mare, mule, or ass, shall be killed, or shall die within ten days after the offence committed, although the carcass, or any part of the flesh thereof may not be stolen, such Negro or other Slave shall be tried at the Court of Quarter Sessions, or Special Slave Court, and on conviction thereof suffer death, transporta-

tion, or confinement to hard labour for life, or such other punishment as the court shall think proper.

97.—Be it further enacted by the authority aforesaid, that if any Slave or Slaves shall, by wantonly or cruelly cutting, chopping, striking, or by any other manner or way whatsoever, mutilate, disfigure, dismember, or injure any Slave or Slaves, so as to endanger life, although death shall not ensue, or that such Slave or Slaves shall become a cripple, or lose any of his or her limbs, or be deprived of the use thereof, all and every or any such Slave or Slaves so offending, shall for every or any such offence, be tried at the Court of Quarter Sessions, or Special Slave Court, and upon conviction shall suffer death, transportation for life, or such other punishment as the court shall direct.

98.—And whereas the practice of Negroes to clear their grounds by fire, is highly dangerous to the neighbouring proprietors, and frequent instances of alarm and injury occur for want of some restraint in that respect. For prevention of so great an evil, Be it further enacted, that if any injury shall arise to the owner, proprietor, or possessor, of one property by a Slave or Slaves on the adjoining property clearing ground by fire, the Slave or Slaves who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried, and punished, if found guilty, as and for a misdemeanour; and if the overseer or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any Negro under his charge has made any such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be extinguished, and such fire shall cause injury to the neighbouring property, such overseer or other person shall suffer such fine as any two justices of the peace of the parish wherein such injury shall happen shall award, not exceeding ten pounds for one and the same offence, the complaint whereon shall be heard, determined, and the penalty, when imposed, shall be enforced in a summary manner before any two justices of the peace.

99.—And whereas it is necessary to declare how and in what manner Slaves should be tried for crimes and offences: Be it enacted by the authority aforesaid, that from and after this Act shall commence and be in force, all and every charge or complaint against any Slave or Slaves of murder, rape, felony, burglary, robbery, burning or destroying houses, out-houses, stores, Negro houses, or cane grass, or cane pieces, or breaking into such houses, out-houses, stores, or Negro houses, in the daytime, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever, committed by any Slave or Slaves that shall subject such Slave or Slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined, at the Court of Quarter Sessions, or Special Slave Court for the parish or precinct where the offence shall be committed, as part of the business of such court, and by indictment before the grand and petit juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition, but first disposing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of Slaves against whom bills may be found by the grand jury; and the justice before whom such charge or complaint is made shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who being brought before him or any other justice of the peace, if, upon examination it appears probable that the Slave or Slaves apprehended is or are guilty, shall commit the offender or offenders to gaol for trial at the next Court of Quarter Sessions or Special Slave Court, and secure the attendance there of the witnesses by recognizance or committal to gaol, as public justice may require; and in all cases the evidence of Slaves shall be admitted against Slaves before the justice, the court, and the grand or petit jury; and in case of the grand jury finding a true bill, then in any parish where the Court of Quarter Sessions is now usually holden, such Slave or Slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or

charge shall be deemed valid if sufficient in substance, and shall not be quashed for defect in form, and thereupon the plea shall be taken down and entered, and such Slave or Slaves shall be put upon his, her, or their trial before a petit jury, in like manner as is the practice usual and accustomed at the Quarter Sessions on the trial of indictments against white persons and persons of free condition; and if a petit jury be already formed for any preceding business of the court, it shall be lawful to proceed to try the indictment against such Slave or Slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such Slave or Slaves as shall be brought before them, and a true verdict give according to evidence as in other cases; reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause, to be approved of by the court: And provided, that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or book-keeper, of such owner or proprietor, or the person prosecuting his or her attorney, guardian, trustee, overseer, or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner, and the place of such juror as shall be set aside upon challenge or for the causes aforesaid, shall be supplied by others returned upon the pannel to serve as jurors; or if a sufficient number should not be in attendance, then such deficiency shall be supplied by a writ of tales, to be issued by the court in which such trial shall take place, and the same jury shall serve for every case, under the preceding regulations, at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial, to proceed without bias, in which case a new jury shall be called; and if the said jurors shall, upon hearing the evidence, unanimously find the Slave or Slaves guilty of the offence with which he, she, or they stand charged, the court shall pass sentence of death without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: Provided always, that no sentence of death or transportation, pronounced upon any Slave or Slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or the person exercising the functions of governor, who is hereby authorized to issue such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof, attested by the justice presiding at the trial, or in case of his death or absence, of one of the other justices constituting the court; except when sentence of death shall be passed upon any Slave or Slaves convicted of rebellion or rebellious conspiracy, in which case the court shall and may proceed to pass sentence, and carry the same into execution as heretofore, at such time and place as public expedience may require, or if no pressing occasion arise, the court may, if it sees fit, refer the proceedings to the governor, in the manner and to be disposed of by him as in other cases of public convictions: Provided always, that if it shall be necessary or expedient for the furtherance of justice and the safety of the public, to hold any court before the stated Court of Quarter Session, it shall be lawful to convene a Special Slave Court, and the custos or senior magistrate of the parish or precinct, shall issue a special writ of venire, directed to the provost marshal general or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empannelled to serve on juries for the parish or precinct, personally to be and appear at such court, at the usual place for holding the Quarter Session, at such day and time as may be expressed in such venire, then and there to inquire for our Sovereign Lord the King, of and concerning all such matters and things as shall be given them in charge, and enjoined, when and where the said persons so warned by the provost marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each defaulter, and when and where the said Special Slave Court shall proceed in like manner in all respects, as is the usual custom and practice at a Grand Court of Quarter Sessions of the peace, for indictable offences against persons of free condition.

100.—And whereas this mode of trying Slaves will materially interfere

with the facilities granted to those parishes, which are component parts of a precinct, wherein Special Slave Courts are now allowed: Be it enacted, that in the parishes of St. Thomas in the Vale, and St. John (part of the precinct of St. Catherine), indictments against Slaves shall be preferred before the grand jury, convened and sworn at the Court of Quarter Sessions of the respective precincts, and the attendance of all witnesses to support the charge before the grand jury, shall be secured as aforesaid, and when a true bill shall be returned against any Slave or Slaves, such trial shall be proceeded in a Special Slave Court, to be convened by the custos or senior magistrate of such parish, to meet at the place such court is at present held by law, and thereupon the custos, or in his absence the senior magistrate of the parish where such trial is to take place, shall and may hold such Special Slave Court, at the place where parochial business is usually transacted in such parish, and shall sign and issue a writ of venire to the provost marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of venire, to form a petit jury for the trial of Slaves against whom bills of indictment have been found at the Quarter Sessions, such trial to take place under the same regulations as are hereinbefore contained, as to trials of Slaves in the Courts of Quarter Sessions, and the provost marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors for any breach of the duty hereby imposed, in regard to such Special Slave Court, shall suffer the like penalties, under the like remedies as if done in regard to the Quarter Sessions, and all proceedings of such Special Slave Courts shall be returned into the office of the clerk of the peace of the precinct, there to be recorded and kept as part of the records of the said parish: Provided always, that if any Slave or Slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint during that time, it shall be the duty of the said justices of Quarter Sessions so assembled for the purpose of holding such Court of Quarter Sessions, to discharge such Slave or Slaves by proclamation at the expiration of six calendar months from the time of the commitment of such Slave or Slaves: And provided always, that in any case upon an indictment against any Slave or Slaves for murder, where malice propense shall not be proved to the satisfaction of the jurors, such juror shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it, and the person or persons so found guilty of manslaughter, shall suffer such punishment as the court shall think fit to inflict, not extending to life.

101.—And whereas the ends of justice are sometimes defeated by the incapacity or gross neglect of their duties by the clerks of the peace: Be it enacted by the authority aforesaid, that if a charge in writing of any misdemeanour, or gross neglect, or frequent neglect committed by a clerk of the peace, or if his ignorance or incapacity to fill such office be exhibited against him to the Quarter Sessions, a majority of the justices on open examination, and proof thereof there, may discharge him from the office, or suspend him for such space of time as the justices shall think proper, and in default of appointment of another sufficient person, resident in the parish, by the *custos rotulorum*, to the office of such clerk of the peace before the next Quarter Sessions, the justices at the said or any subsequent court, may appoint to the office.

102.—And be it further enacted by the authority aforesaid, that the custos, magistrates, and vestry in every parish of this island, are hereby empowered and required to employ a person who has been regularly admitted as a barrister or attorney at law in the courts of this island, to attend the trials of all Slaves for capital offences in the Quarter Sessions or Special Slave Courts, and to take the defence of such Slaves, at such rate of salary or remuneration by fees, as they may see fit, to be paid out of the parochial funds.

103.—And be it further enacted by the authority aforesaid, that all witnesses, whether white or of free condition, legally warned, and who do not attend to give evidence at any trial under this Act, or show by affidavit a

sufficient cause for his or her absence, shall be liable to a fine of ten pounds.

104.—And be it further enacted by the authority aforesaid, that all jurors serving at any of the courts herein mentioned, and every person or persons, whose presence may be requisite at the examination of any Slave or Slaves, and who shall be required by warrant or summons, under the hand and seal of any justice of the peace, and all and every Slave and Slaves who shall be brought as witnesses, shall be protected in their person from all mesne or judicial process whatsoever in their going to, attending at, and returning from such examination or trial, and that such Slaves shall not be subject to be levied on.

105.—And be it further enacted by the authority aforesaid, that a record shall be entered up of all proceedings on the trials of Slaves, for any crime that shall subject any Slave or Slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct, who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such trial, under the penalty of twenty pounds for each neglect, and he shall be entitled to receive from the churchwardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto. And further, that the deputy marshal for the said parish, or some proper person acting under him, shall, under the penalty of fifty pounds, warn the jurors, and attend the trials of all Slaves, and also attend at the execution of such offenders as shall be condemned to die; and that he shall be entitled to receive from the churchwardens of the said parish, for warning jurors and attending trials of Slaves at all courts, the sum of five pounds for each court to be held under this Act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die.

106.—And be it further enacted by the authority aforesaid, that in case any Slave or Slaves shall give false evidence on any trial had under this Act, such Slave or Slaves being thereof convicted, shall suffer the same punishment as persons convicted of wilful and corrupt perjury.

107.—And be it further enacted by the authority aforesaid, that in future, whenever a warrant shall be granted by one or more of his Majesty's justices of the peace against any Slave, if the said Slave cannot be immediately taken on the said warrant, the owner, possessor, attorney, guardian, or overseer of such Slave shall be served with a copy of the said warrant, and if he, she, or they, do not carry the said Slave before a magistrate, to be dealt with according to law on the said warrant; and if it should be afterwards proved that the owner, possessor, attorney, guardian, or overseer, of such Slave wilfully detained or concealed the said Slave, he, she, or they, shall forfeit the sum of one hundred pounds.

108.—And be it further enacted by the authority aforesaid, that in all trials of any Slave or Slaves under this Act, six days notice of such trial shall be first given to the owner or possessor of such Slave or Slaves, his, her, or their lawful attorney or attornies, or other representative or representatives, any law, custom, or usage to the contrary notwithstanding.

109.—And whereas it may sometimes happen that the owner, proprietor, or possessor of a Slave, may reside in a different parish or precinct from that wherein such Slave may have committed the offence for which he or she is to be tried: Be it therefore enacted, that in such cases the clerk of the peace of the parish or precinct where the offence is to be tried, shall transmit the notice of such trial to the clerk of the peace of the parish or precinct wherein the owner, proprietor, or possessor, as aforesaid, may reside, who shall forthwith thereupon, under the penalty of twenty pounds, deliver such notice, and a copy thereof, to one of the lawful constables of the said parish, to be by him, under the penalty of ten pounds, served on such owner, proprietor, or possessor, and the said constable is hereby required to make an affidavit of the manner in which he may have served the said notice, to be sworn to before any justice of the peace, and shall

return such notice so sworn to, to the clerk of the peace from whom he received the same, to be by him transmitted to the clerk of the peace of the parish or precinct where the offence is to be tried, in due time, for which duty the clerk of the peace of the parish where the warrant shall be served, shall be paid the sum of one pound six shillings and eight pence, and the constable the sum of one pound six shillings and eight pence, by the acting churchwarden of the said parish.

110.—And whereas it sometimes happens that runaway Slaves are apprehended in consequence of the commission of crimes, and in such cases it is frequently impossible to ascertain the owners or other persons on whom notices of trial ought to be served: Be it therefore enacted, that whenever it shall so happen that the name of the owner cannot be discovered, a public notice shall be given for three weeks in the three county papers, of the name and description of the Slave, of the nature of the offence, and of the day of trial, which shall be deemed to be sufficient notice of such trial.

111.—And be it further enacted by the authority aforesaid, that in all cases where the punishment of death is inflicted, the execution shall be performed in a public part of the parish, and with due solemnity, and it shall be the duty of the rector or curate to prepare the criminal while under sentence, and to attend at the place of execution, and care shall be taken by the gaoler or deputy marshal, that the criminal is free from intoxication at the time of his trial, and from thence to and at the time of his execution, under the penalty of twenty pounds, and the mode of such execution shall be hanging by the neck, and no other, and the body shall be afterwards disposed of as the court shall direct.

112.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be put upon his, her, or their trial, and receive sentence of death or transportation, or commitment to hard labour for life, the court at the time of trying such Slave or Slaves, shall also inquire of the jury, upon their oaths, what sum or sums of money the owner, proprietor, or possessor of the said Slave or Slaves, ought to receive for such Slave or Slaves, and certify the same, so that such sum or sums of money do not exceed the sum of one hundred pounds for each Slave so sentenced as aforesaid, and if the conviction be for running away, the value to be set by the jury, shall not exceed fifty pounds.

113.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be brought to trial, and sentenced to death, and valued according to the directions of this Act, the provost marshal or his lawful deputy, shall, under the penalty of two hundred pounds, carry such sentence into execution, in obedience to the warrant from the governor or person executing the functions of governor for the time being, or the warrant of the justices in cases of conviction for rebellion or rebellious conspiracy; and in case of sentence to transportation, shall, upon receiving a warrant from the governor or person executing the functions of governor for the time being, for that purpose, forthwith sell such Slave or Slaves for transportation to the best advantage in his power, and shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the owner, proprietor, or possessor of such Slave or other person legally entitled to receive the same, a just and true account upon oath, of the sale or sales of such Slave or Slaves, and of the legal charges attending the same, and pay over to such owner, proprietor, or possessor or other person legally entitled to receive the same, the proceeds of such sale or sales, after deducting all legal charges as aforesaid; and if it shall happen that the charges due to the provost marshal or his lawful deputy, for confinement and subsistence of said Slave or Slaves shall amount to or exceed the amount of the sales, the same shall be sworn to by the said provost marshal or his lawful deputy, on the back of the certificate of valuation, in which case the receiver general shall pay the whole amount of such valuation.

114.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be sentenced to death, or confinement to hard labour for life, and be valued according to this Act, such Slave or Slaves shall be paid for by the receiver general of this island, out of any monies in his hands, upon production of a legal certificate of such sentence

and valuation, but not otherwise, and in all cases where any Slave or Slaves shall be sentenced to transportation, and valued in manner aforesaid, the receiver general shall in like manner, upon production of a like certificate, together with the account upon oath, hereinbefore directed to be made by the provost marshal or his lawful deputy, but not otherwise, pay the amount of the valuation of such Slave or Slaves, after deducting the amount of such account.

115.—And be it further enacted by the authority aforesaid, that every Slave who under the authority and by virtue of this Act, shall be sold for transportation by the provost marshal or his lawful deputy, shall, notwithstanding such sale, remain in the custody of the said provost marshal or his said deputy, until the purchaser of such Slave shall have entered into bond with sufficient security to our Sovereign Lord the King, under the penalty of five hundred pounds for every such Slave so purchased, that every such Slave shall be transported off this island within thirty days after the date of such bond, and shall in the mean time be kept in close confinement on board the ship or vessel in which such Slave is intended to be transported, which bond shall be taken by the said provost marshal or his lawful deputy as aforesaid (for which the provost marshal or his said deputy, shall receive from the party entering into the same, all the expenses incidental thereto), and be filed among the records in the office of the clerk of the peace of the parish or precinct where such Slave was tried.

116.—And be it further enacted by the authority aforesaid, that every such purchaser of any Slave so directed to be sold for transportation as aforesaid, shall at the time of executing such bond as aforesaid, also make oath in writing on some part of the said bond, before the provost marshal or his lawful deputy as aforesaid (either of whom is hereby authorized and required to administer the same), that every such Slave so purchased by him, shall be transported to (death or dangers of the seas excepted), and that the said Slave so purchased, shall not with his knowledge, privity, or consent, be relanded in this island.

117.—And be it further enacted by the authority aforesaid, that the provost marshal or any of his deputies, shall not under the penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers any Slave so sold for transportation as aforesaid, until such bond is entered into, and oath taken as aforesaid, and in case any such Slave so sold for transportation as aforesaid, shall be found within this island after the expiration of the thirty days before limited for his or their transportation, such Slave shall become forfeited to the crown and be re-sold for transportation by the provost marshal or his lawful deputy, in the same manner and under the like penalties as are hereinbefore enacted, and the net proceeds of such re-sale shall be paid over to the receiver general for the use of the public.

118.—And be it further enacted by the authority aforesaid, that every Slave sold for transportation under and by virtue of this Act, who shall be found at large within this island, at any time after such sale, as is hereinbefore directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of his Majesty's justices of the peace, and if it shall appear to the satisfaction of such justices that such Slave had been formerly sold for transportation by virtue of this Act, such justice shall, by warrant under his hand and seal, direct such Slave to be delivered to the provost marshal or his lawful deputy to be re-sold for transportation only, and the monies arising from such sale, after deducting a commission of five pounds per centum, and all necessary expenses, shall be paid over, one moiety thereof to the person apprehending such Slave, and the other moiety to the receiver general for the time being, for the support of the government of this island.

119.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who shall have been transported from this island under the directions of this Act, or of any other Act heretofore in force respecting Slaves, for murder, rebellion, or any other crime which would have subjected him to the punishment of death, shall wilfully return from transportation, such Negro or other Slave shall, upon conviction, suffer death without benefit of clergy.

120.—And be it further enacted by the authority aforesaid, that if the master of any ship or vessel, or any other person or persons shall knowingly and wilfully bring back to this island, or shall be aiding and assisting in the bringing back, or cause to procure to be brought back to this island, any Negro or other Slave who shall have been transported from this island under and by virtue of this Act or any other Act heretofore in force respecting Slaves, such master, or person, or persons being convicted thereof, by bill, plaint, or information in the Supreme Court of Judicature, or either of the Courts of Assizes of this island, shall forfeit the sum of three hundred pounds for each Slave so brought back: one moiety whereof shall be to our Sovereign Lord the King, his heirs, and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment at the discretion of the court for any space of time, not less than three nor exceeding twelve months, without bail or mainprize.

121.—Whereas it is now difficult to transport Slaves with effect: Be it enacted by the authority aforesaid, that in future all Slaves sentenced to transportation that cannot be sold within one month, shall be committed by warrant of any justice of the peace to hard labour in the workhouse till transportation can be effected, and the receiver general shall pay such value to the owner as may have been fixed by the jury: And if thereafter the provost marshal or his lawful deputy shall be able to effect the sale for transportation, he shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the receiver-general a just and true account upon oath, of the sale of the Slave or Slaves, and of the legal charges attending the same, and pay over to the receiver general the proceeds of such sale or sales, after deducting all legal charges.

122.—And whereas instances have occurred of convicted Slaves under confinement to hard labour in the workhouse for life, having conducted themselves in such an orderly and correct manner as to obtain the approbation and confidence of the persons having charge over them, and to evince in every respect a complete reformation of manners, and as it is expedient to hold out encouragement to convicts who have so conducted themselves, as well as to render them an example for imitation, to the end that a laudable excitement may prevail amongst persons in their otherwise desperate condition: Be it enacted by the authority aforesaid, that it shall and may be lawful for the governor or person exercising the functions of governor for the time being, upon the representation of the commissioners of the workhouse of the parish where any deserving convict shall be, that such convict has conducted himself or herself, for a period of not less than three years, in such an orderly and correct manner as to obtain the approbation and confidence of the person having charge over him or her, and to evince in every respect a complete reformation of manners, to direct the workhouse keeper, under his sign manual, to put the said convict up to public sale, and to sell and dispose of him or her to the highest and best bidder, with the approbation of the said convict; and the title given upon the sale thereof, shall be as legal and effectual as any sales made under the workhouse law, and the proceeds of the said sale, after deducting the charges thereof, shall be paid over to the receiver general to be applied in aid of the island contingencies.

123.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who may be sentenced to be confined in the workhouse for any time, shall escape from such confinement before the expiration of his or her sentence, such Negro or other Slave being retaken, shall, on proof of his or her identity before three justices of the peace, be adjudged by them to be sent back to confinement to complete the term for which he or she was sentenced to confinement, and to receive a whipping not exceeding fifty lashes.

124.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who may be sentenced to be confined to hard labour for life in any workhouse shall escape therefrom, every such Negro or other

Slave being retaken, shall, on proof of his or her identity before three magistrates, be adjudged by them, either to be recommitted to his or her former punishment, or to be transported off this island for life.

125.—And be it further enacted by the authority aforesaid, that if the provost marshal, or any of his lawful deputies, or any lawful constable or workhouse keeper shall wilfully or negligently suffer any Slave or Slaves to escape, who shall be committed to his or their custody for any offence under this Act, such marshal, constable, or workhouse keeper who shall suffer such escape, shall, on conviction thereof before three magistrates, forfeit a sum not exceeding fifty pounds, to be recovered in a summary manner by warrant, under the hands and seals of the said three magistrates, for the use of the parish, and, without injury to the rights of the owner, to sue for the value of the same.

126.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be discharged by proclamation, the deputy marshal or workhouse keeper shall be entitled to receive all such fees, as shall be due for such Slave or Slaves, at the time of such discharge, from the public, upon application and due proof made in the most solemn manner to the assembly or any committee thereof, that such Slave or Slaves, during the time they were in the custody of such deputy marshal or workhouse keeper, was or were found and provided with proper and sufficient provisions and necessary clothing, agreeably to this law.

127.—And be it further enacted by the authority aforesaid, that no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall on any pretence whatsoever, work or employ any Slave or Slaves sent to his custody, nor hire or lend such Slave or Slaves to work for any other person or persons during the time such Slave or Slaves shall be in custody; but that all such Slaves shall be and remain in the common gaol of the county, parish, or precinct, in order to be inspected by any person or persons desiring the same: and in case any gaol-keeper shall offend herein, he shall for every offence forfeit a sum not exceeding fifty pounds.

128.—And whereas there are many inferior crimes and misdemeanours committed by Slaves which ought to be punished in a summary manner before two magistrates: Be it therefore enacted by the authority aforesaid, that all misdemeanours and inferior crimes committed by any Slave or Slaves, including swearing, obscene language, drunkenness, and indecent and noisy behaviour, shall be tried in a summary manner before two or more justices of the peace of the parish or precinct where the offence shall be committed, reasonable notice of the time and place of such trial being given to the owner, proprietor, or possessor of such Slave or Slaves, or his, her, or their attorney or attornies, or the person or persons having the care of such Slave or Slaves; and the said justices of the peace shall, on conviction of such Slave or Slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding thirty-nine lashes, or three months imprisonment to hard labour.

129.—And be it further enacted, that the clerk of the peace, for attending such summary trial, and making out the order of the magistrates thereat, which he is hereby bound to do under the penalty of fifty pounds, shall be entitled to receive from the churchwardens of the parish, the sum of one pound six shillings and eight pence, and the constable, for attending the trial and at the execution of the order of the magistrates thereon, shall receive the sum of ten shillings; except in the city of Kingston, where the fees of the clerk of the peace shall be thirteen shillings and four pence, and to the constable five shillings, in consequence of the great number of such trials in that city.

130.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, upon any complaint made before a justice of the peace, of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a Slave or Slaves, or in any cases of seditious meeting, or of

harbouring or concealing runaway Slaves, or giving false tickets or letters to such runaway Slaves, to enable them to elude detection, or on any inquisition before a coroner, the evidence of any Slave or Slaves, respecting such complaint or inquisition, shall be received and taken by such justice of the peace, or coroner, and on any prosecution in any of the courts of this island for any of the crimes beforementioned, the evidence of a Slave or Slaves shall also be admitted and received: Provided always, that before such evidence shall be received, a certificate of his or her baptism shall be produced, and the justice of the peace, coroner, or court, shall be satisfied, on due examination had, that such Slave comprehends the nature and obligation of an oath: And provided also, that nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness in like manner as they would receive the same as to white persons and persons of free condition: And provided also, that no white person or persons of free condition shall be convicted of any of the crimes aforesaid, on the testimony of any Slaves, unless two of the said Slaves, at least, clearly and consistently depose to the same fact or circumstance, such Slaves being examined apart and out of the hearing of each other: And provided also, that no white person or persons of free condition, shall be convicted on the testimony of any Slave or Slaves of any crime or offence, as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this Act.

131.—And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave, shall certify as part of the jurat, that the deponent had been duly examined, and found to possess a competent knowledge of the nature and obligations of an oath; and such justice of the peace or coroner shall take from the person in possession of such Slave, or from some fit and proper person, a recognizance in a sum not exceeding one hundred pounds, nor less than twenty pounds, conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried; and such justice or coroner shall forthwith transmit to the clerk of the crown, such deposition and recognizance; and in case the person in possession of such Slave as aforesaid, shall refuse to give or shall not produce such bail for the appearance of such Slave as a witness, or the person in possession of such Slave, shall be the party accused, or if under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner shall have the power of securing the attendance of such Slave as a witness, by a committal to gaol in the same manner as the attendance of a witness for the crown, who is unable to find bail for his appearance is now ensured; and the marshal or keeper of such gaol shall allow to the said Slave the sum of one shilling and eight pence per diem, for his or her support during confinement; and such allowance shall be repaid to the marshal, or keeper of the gaol, in the same manner as the allowance to witnesses for the crown is now paid to him; and in case the party in possession of a Slave, shall produce him or her as a witness at the court where any indictment is preferred or had, according to the condition of a recognizance entered into, by or on the part of such person in possession as aforesaid, such person in possession shall be entitled to receive mile money, at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and four-pence per diem for each and every day such Slave shall have been absent from home for the purpose of attending at the court, as a compensation for the loss of the labour of such Slave; and the judges presiding at the trial, upon application made to them in the court after the trial, are hereby authorized, if they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile-money and compensation, and to grant a certificate thereof under their signature; and such certificate, after

being approved of by the commissioners of public accounts, shall be paid by the receiver general to the person or persons to whom such certificate shall be granted.

132.—And in order to remove, as much as possible, any temptation to commit perjury by those Slaves who shall be required to give evidence: Be it enacted by the authority aforesaid, that the court shall not be at liberty to exercise the power given by this Act, for declaring any Slave free and discharged from all manner of servitude, where the owner of such Slave has been convicted of particular offences, if any Slave shall have been sworn upon the trial as a witness on the part of the prosecution.

133.—And be it further enacted by the authority aforesaid, that if any Slave shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, such Slave shall be liable to be tried therefore, and upon conviction thereof shall be sentenced to hard labour in the workhouse, or to stand in the pillory for such time as the court shall direct, or to whipping, or to all or either of such punishments, at the discretion of the court.

134.—And it is hereby enacted by the authority aforesaid, that the Slaves whose attendance are required as witnesses, shall be protected in their persons from all civil process whatsoever in going to or attending at, and returning from such examinations or trials, as are hereinbefore mentioned; and that such Slaves shall, during such time, not be liable to be levied on for debt or otherwise.

135.—And whereas it may sometimes happen, that white persons or persons of free condition, associate themselves in crime with Slaves: Be it therefore enacted, that if any white or free person or persons shall be found in the company of any Slave or Slaves, and aiding or assisting them in the commission of any crime or illegal offence, or shall employ them in such offences, the testimony of such Slaves shall be received against such free person or persons whether baptized or not, except where the life of such white or free person or persons shall be affected; and admitted in such manner as the testimony of accomplices in crime is now received in courts of law.

136.—And be it further enacted by the authority aforesaid, that the operation of this Act, nor any part thereof, shall not be suspended by martial law, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

137.—And be it further enacted by the authority aforesaid, that all penalties in this Act mentioned, and not already declared how they shall be recovered and applied, shall, if not exceeding fifty pounds, be recovered in a summary manner, before any two of his Majesty's justices of the peace, by distress and sale of the offender's goods and chattels; and if amounting to or exceeding fifty pounds, to be recovered in the Supreme Court of Judicature, or in either of the Courts of Assize, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered; one moiety of which penalties shall be paid to the churchwardens, for the use of the parish where the offence shall be committed, and the other moiety to the informer, or him, her, or them who shall sue for the same: Provided always that all proceedings for the recovery of penalties under this Act, shall be instituted within twelve months after the offence be committed.

138.—And be it further enacted by the authority aforesaid, that all offences committed during the time the Act entitled "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection, for preventing the improper transfer of Slaves, and for other Purposes," passed in the year 1816, and all other Acts by this Act repealed, were in force, shall be punished in the manner directed by the said Acts, but shall be heard, tried, and determined in the form prescribed by this Act. And it shall be lawful to recover and apply all penalties incurred thereunder as fully and effectually as if the said Acts were still in force and unrepealed.

139.—And be it further enacted by the authority aforesaid, that this

Act shall commence, continue, and be in force from the first day of May next, until the first day of May 1830.

Passed the Assembly this 7th day of December 1826,

(Signed) DAVID FINLAYSON, Speaker.

Passed the Council this 22nd day of December, 1826,

(Signed) W. BULLOCK, Clerk Council.

I consent, this 22nd day of December, 1826,

(Signed) MANCHESTER.

No. 12.

Extract from a Despatch from His Grace the Duke of Manchester, addressed to Earl Bathurst, dated King's House Jamaica, 8th January 1827.

WHEN I had the honour of reporting to your Lordship the proceedings of the last session, I omitted to acquaint you that the free population have been very materially benefited by all fees and expenses having been abolished on Bills granting privileges. And all that is now required to entitle individuals to Bills granting any privilege, except that of being magistrates, or being members of the Council and Assembly, is a certificate from respectable persons of their having been decently educated, and their characters being unexceptionable.

These Bills entitle the objects of them to save deficiency, which was the great boon the free population have always sought, and nothing can show more clearly how much this class of persons has been satisfied with the new regulation in their favour, than that twenty-five privilege Bills were passed during the last session, although the abolition of fees did not take place very early in the session.

I have, &c.

(Signed) MANCHESTER.

The Earl Bathurst, K. G.
&c. &c. &c.

APPENDIX.

Extract from a Despatch from His Grace the Duke of Manchester to Earl Bathurst, dated King's House, Jamaica, 31st December, 1825.

REFERRING your Lordship to my Despatch of 23d instant, I have the honour to enclose, for your Lordship's information, a copy of a Bill to enable Slaves to give evidence in certain cases, and under certain restrictions.

I have, &c.

(Signed) MANCHESTER.

The Earl Bathurst, K. G.
&c. &c. &c.

An Act to enable Slaves to give Evidence in certain Cases, and under certain Restrictions, and for other Purposes.

WHEREAS it is expedient to make certain regulations for the purpose of admitting Slaves, who are properly qualified by their religious knowledge and good character, to give evidence, in particular cases of crime committed by white or free persons against Slaves, and such regulations may become an excitement to Slaves in general to pay more attention to religious instruction, and may tend to the improvement of their moral principles and

conduct,—May it therefore please your Majesty, that it may be enacted, and be it enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, any Slave shall be admitted as a witness, upon any inquiry made or had, by or before any justice of the peace, and upon any bill of indictment preferred before a grand jury, and also upon the trial of any indictment, by which inquiry or indictment any white or free person is charged with having committed any treason, or any of the crimes and offences mentioned in the first, second, and third Clauses of an Act made and passed in the fourth year of his present Majesty's reign, entitled "An Act for the more effectual Punishment of Treason, Treasonable Conspiracies, and Seditious Meetings, for preventing the administering or taking of unlawful Oaths, and for other Purposes;" or charged with having uttered seditious language, or with seditious preaching to any free person, persons, Slave, or Slaves; or with murder, or felonious homicide; or with having mutilated, maimed, dismembered, imprisoned, or kept in confinement, without sufficient support, any Slave or Slaves: And the evidence of any Slave shall also be received on an inquisition before a coroner, respecting the death of a Slave: Provided always that the evidence of any Slave shall not be admitted or received touching any or either of the said crimes or offences, if such crime or offence shall have been committed before the passing of this Act: And provided also, that no Slave shall be admitted to give evidence on either of the occasions aforesaid, unless he or she shall have been baptized twelve months at least before the commission of the crime or offence respecting which such Slave is produced as a witness, and unless such Slave shall produce, on the occasion on which he or she is by virtue of this Act admitted to give evidence, such certificate from the justices and vestry or common council of Kingston, as is hereinafter mentioned: And be it further enacted by the authority aforesaid, that upon the production before the justices and vestry of the parish in which any Slave shall have last previously resided for three years, or, if in Kingston, before the common council, of a testimonial in writing, signed by the person who has had the possession and management of such Slave, as owner, attorney, trustee, guardian, receiver, executor, or administrator, for three years next before the giving of such testimonial as to the good character and disposition of such Slave; and upon production also of a written declaration, signed by the rector, or in case of the absence of the rector, by the minister officiating for such rector of the parish in which such Slave resides, that such Slave has been baptized, and of the time of such baptism, either from the personal knowledge of such rector or minister, or by the inspection of his certificate of baptism, or of the registry thereof; and further, that such rector or minister officiating for him in his absence, had examined the Slave, and found him or her to be sensible of the nature and obligation of an oath, it shall and may be lawful for the justices and vestry of such parish, or the common council of Kingston, and they are hereby empowered and required, unless proof be made before them contradicting the said testimonial and declaration, or either of them, to give to such Slaves a certificate, signed by the clerk of the vestry or court of common council of Kingston, according to the following form: "These are to certify, that at a vestry, or court of common council, holden at , on the day of , in the year of our Lord , there were produced the testimonial and declaration required by an Act now in force, enabling Slaves to give evidence; and no proof having been given to contradict such testimonial and declaration, or either of them, the vestry, or common council of Kingston, have, in pursuance of the said Act, granted this certificate to , a Slave belonging to , of , in this parish, being the person named in such testimonal and declaration, and baptized on ;" which said testimonials and declaration shall be returned by the clerk of the vestry, or common council, for the purpose of being transmitted to the clerk of the crown, as hereinafter directed: And be it further enacted by the authority

aforesaid, that when such certificate shall be granted, the clerk of the vestry of every parish, or clerk of the common council, shall, in a book to be kept for that purpose, register the names, colour, and sex of the several Slaves to whom such certificates have been granted, the names of the owners of such Slaves, and the dates of the testimonials and declarations, and the time of granting such certificates, in the form following:—

Name of Slave.	Age.	Sex.	Colour.	Height.	Name of Person, or Property, the Slave belongs to.	Date of Testimonials.	Date of Declaration.	Time of granting the Certificate.

And the said clerk of the vestry, or clerk of the common council, shall immediately thereafter, transmit to the clerk of the crown such testimonial and declaration, and also a copy of the certificate so granted by the justices and vestry or common council, certified by such clerk of the vestry or common council, to be a true copy; and for making such registry and certified copy, the clerk of the vestry or common council shall be entitled to be paid the sum of one shilling and threepence, and no more. And if any clerk of the vestry, or the clerk of the common council, shall neglect or refuse to perform any or either of the duties required by this Act to be performed by him, he shall for every such neglect or refusal forfeit the sum of [£20] to be recovered by information in the Supreme Court of Judicature of this island, in the name of the Attorney General, to and for the use of his Majesty's government of this Island. And be it further enacted by the authority aforesaid, that if any certificate granted to any Slave by virtue of this Act, shall be accidentally lost, destroyed, or mislaid, the justices and vestry, or common council, on being fully satisfied that a certificate had been previously granted to such Slave, are hereby empowered and required to grant such Slave a copy of the former certificate which shall be marked "Duplicate" and with the date of its being granted, and an entry shall be made by the clerk of the vestry, or clerk of the common council, in the book hereinbefore directed to be kept opposite the original entry of such duplicate having been granted, and of the time of granting the same; and a notice of such duplicate certificate shall be transmitted to the clerk of the crown in the same manner as the copy of the original certificate, and which duplicate certificate shall be of the like force and effect as the certificate so last destroyed or mislaid: Provided always that if the application for such duplicate certificate shall not be made within two years after the original certificate was granted, the justices and vestry, or common council and clerk of the vestry or common council, shall grant another certificate in the like manner, and under the like regulations in every respect as are hereinbefore provided as to the granting of the original certificate: And be it further enacted by the authority aforesaid, that the certificate granted by the justices and vestry, or common council, shall be received by the court as evidence of the matters and things therein contained, so as to enable the Slave therein named, to be received and examined as a witness upon the occasions aforesaid: Provided always that nothing herein contained shall be construed to prevent the court on the trial of any indictment on which any Slave may by virtue of this Act be admitted as a witness from receiving the like objections as to the competency of such Slave as a witness, as might be made against any white or free person as a witness, or to prevent the court and jury from receiving evidence as to the credi-

bility of such Slave as a witness in like manner as they would receive the same as to the credibility of any white or free person. And be it further enacted by the authority aforesaid, that no white person or person of free condition, shall be indicted, arraigned, condemned, or convicted for any offence of treason upon Slave evidence, unless the offender be accused by two Slaves allowed to give evidence under the authority of this Act, or by one Slave and another lawful witness being either a white person or person of free condition: And be it further enacted by the authority aforesaid, that if any white person or person of free condition shall falsely make, forge, counterfeit, or alter, or cause to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering any certificate given by this Act, such person or persons shall for such offence, on conviction thereof in his Majesty's Supreme Court of Judicature of this island, or any Court of Assize, be liable to be transported from this island for life. And in case any Slave shall falsely make, forge, counterfeit, or alter, or cause to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any certificate given by this Act, such Slave for such offence on conviction thereof in a Slave court, be liable to be sentenced to hard labour and confinement in the workhouse for such time as the court shall direct, or to flogging, or both at the discretion of the court, and such Slave shall for ever thereafter be incapable of being a witness under this Act. And if any Slave shall falsely pretend to be the person mentioned in a forged certificate, or in any certificate belonging to or intended for another Slave, such Slave shall on conviction thereof in a Slave court, suffer such punishment by imprisonment and hard labour for such time as the court may direct, or by whipping, or by both, as such court shall think proper; and such Slave shall for ever thereafter be incapable of being admitted as a witness under and by virtue of this Act. And be it further enacted by the authority aforesaid, that the clerk of the crown shall keep in his office, as public records, the several testimonials, declarations, and copies of certificates hereinbefore directed to be transmitted to him, and shall register, in a book to be by him kept for that purpose, the names of all such Slaves named in such copies of certificates, and shall mark an entry of such duplicate certificates, and of the time when granted, in the same manner and form as the clerk of the vestry, or common council as hereinbefore directed, to register the same; and such testimonials, declarations, copies of certificates and books, shall be deemed public records, and be accessible in like manner, and on the like terms, as other public records in his office; and for making each entry he shall be entitled to be paid the sum of one shilling and three-pence, and he shall be further entitled to be paid for every search at and after the rate paid to the secretary of this island for searches made in his office. And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave admitted to give evidence by virtue of this Act, shall certify as part of the jurat, that the deponent had produced before him the certificate required by this Act. And such justice of the peace and coroner shall take from the person in the possession of such Slave, as owner, attorney, trustee, guardian, receiver, executor, or administrator, or from some person in his, her, or their behalf, a recognizance in a sum not exceeding , nor less than , conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried. And such justice or coroner shall forthwith transmit to the clerk of the crown, such deposition and recognizance. And in case the owner or person in possession of such Slave as aforesaid, shall refuse to give, or shall not procure, such bail for the appearance of the Slave as a witness, or the owner or person in possession of such Slave shall be the party accused, or if under the circumstances the justices of the peace or coroner shall deem it necessary, in order to prevent the danger of the witness being influenced in his or her testimony, then and in such case, such justice of the peace, or coroner, shall have the power of securing the attendance of such Slave as a witness, by a committal to gaol in the same manner as the attendance of witnesses for the crown, who are unable to

find bail for their appearance, is now ensured. And the marshal or keeper of the gaol where such Slave remains, shall be allowed the sum of one shilling and eight pence, to be paid to such Slave on each day such Slave shall remain in his custody, for his or her maintenance. And such allowance shall be repaid to the marshal in the same manner as the allowance to witnesses for the crown placed in confinement, is now repaid to him. And in case the owner or party in possession of a Slave, shall produce him or her as a witness at the court where any indictment is preferred or tried, according to the exigency of a recognizance entered into, by, or on the part of such owner or person in possession as aforesaid, such owner or person in possession, shall be entitled to receive mile money at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and four-pence per day for each and every day such Slave shall have been absent from home for the purpose of attending at the court, or shall have been in confinement, as a compensation for the loss of the labour of such Slave. And the judges present in court, in case an application shall be made to them in court after the trial, are hereby authorized, in case they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile money and compensation, and to grant a certificate thereof under their signatures; and such certificate after being approved of by the commissioners of public accounts, shall be paid by the receiver general out of any monies in his hands unappropriated, to the person or persons to whom such certificate shall be granted. And in order to remove every temptation to commit perjury by those Slaves who may be admitted to give evidence by virtue of this Act: Be it enacted by the authority aforesaid, that the court shall not be at liberty to exercise the power given by the Consolidated Slave Law, of declaring any Slave free and discharged from all manner of servitude, where the owner of such Slave has been convicted of the offence therein mentioned, if any Slave authorized to give evidence under this Act, shall have been sworn upon the trial as a witness on the part of the prosecution. And be it further enacted by the authority aforesaid, that if any Slave admitted to give evidence under this Act, shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, any Slave shall be liable to be tried at a Slave court for wilful and corrupt perjury; and upon conviction thereof, shall be liable to the same punishment as the person or persons at the trial of whom such false evidence was given, would, if convicted, have been liable to suffer, or it shall be in the power of the court to sentence such Slave to imprisonment, to hard labour in the workhouse, or to stand in the pillory for such times as the court shall direct, or to whipping, or to all or either of such three last-mentioned punishments, at the discretion of the court. And it is further enacted by the authority aforesaid, that all Slaves whose attendance is required as witnesses under and by virtue of this Act, shall be protected in their persons from all civil process whatsoever, in their going to, attending at, and returning from such examinations in trials as are hereinbefore mentioned; and that such Slave shall, during such time, not be liable to be levied on for debt, taxes, or otherwise. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force from and after the passing thereof, until the thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-eight. Provided always that all Slaves who shall obtain the privilege of giving evidence under this Act, shall, notwithstanding the expiration thereof, still continue to be lawful witnesses upon the occasions and in the cases hereinbefore mentioned, in the same manner as if this Act still remained in force.

BAHAMAS.

No. 1.

SIR, *Downing Street, 13th March, 1826.*

WHEN I had the honour of communicating to you the resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of the Bahamas, some of the measures which his Majesty's government recommended for improving the condition of the Slave population.

In 1824, an Act had been passed by the Legislature, consolidating the Slave laws, and adding to them some beneficial provisions, but executing only an inconsiderable portion of what had been recommended.

I had then the honour of communicating to you, a copy of the Trinidad Order in Council, containing, with the others, the further measures which his Majesty's government considered it to be their duty to propose for carrying into effect in his Majesty's colonies, the resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves on the one hand, the means of acquiring their freedom, or that of their families; and on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission. In directing you to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable, for taking all these several measures under their consideration.

You have since that time, continued under my directions to press these measures upon the attention of the Legislature; but you have not informed me that the Council or the Assembly have made any progress in them. You will, in next addressing yourself to the Legislature, have to communicate to them, the unanimous concurrence of the House of Lords, with the resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light, the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having bills drawn up, for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of the Bahamas.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions, as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which his Majesty's government contemplate, for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable his Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object. If you should have it in your power to announce to me, that the Council and Assembly have agreed to bills substantially carrying into effect all the several measures which shall have been

thus brought under their consideration, it will only remain for me, in communicating to you his Majesty's allowance of these bills, to congratulate you and the Legislature of the Bahamas, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament.

Nothing will then remain, but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object, will be facilitated by the report of the commissioners of legal inquiry; who, as you are aware, have been employed for that purpose, in the examination of the constitution and practice of the courts of justice in the colony.

I have, &c.

(Signed) BATHURST.

Officer administering the Government.

No. 2.

My Lord, *New Providence, Bahamas, 3d June*, 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 13th March 1826, referring to the resolutions of the House of Commons in 1823, alluding to measures to be recommended for adoption by the Assembly of these Islands for improving the condition of the Slave population, and promising to transmit explicit instructions on this head.

I have, &c.

(Signed) WILLIAM VESEY MUNNINGS.

The Right Honourable Earl Bathurst, K. G.

&c. &c. &c.

No. 3.

Sir, *Downing-street*, 21st *May*, 1826.

IN my despatch to you, dated the 13th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad order in council, classed under separate heads.

In the enclosed papers will be found all the provisions of the order in council of the 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, The office of protector and guardian of Slaves. Secondly, The admission of the evidence of Slaves in civil and criminal cases. Thirdly, The manumission of Slaves. Fourthly, The intermarriage of Slaves. Fifthly, The observance of Sunday and the abolition of public markets on that day. Sixthly, The acquisition of property by Slaves, and the establishment of savings banks for the better protection of it. Seventhly, The separation of families under judicial process. And, Eighthly, The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the order in council of the 10th of March, 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by his Majesty's government of the various

objections which have been successively urged against the different provisions of the order in council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in the Bahamas. I am aware also, that upon some of the topics comprised in these papers, the wishes of his Majesty's government have already, to a certain extent, been anticipated by the existing laws of the island, and that, without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which his Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of the Bahamas may effectually embody these principles, and give effect to these intentions, however much such laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the law officers of the crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct bills as they may think best adapted for giving full and complete effect to the wishes of his Majesty's government, as explained in the enclosed drafts. In performing this duty they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the colony in which the same or the like provisions as are contained in these drafts may be found.

They will also consider how far a consolidation of such former Acts with the projected bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the legislative council and assembly. It is almost superfluous to remind you of the necessity of proceeding, on this occasion, with such discretion, and with such a regard to the constitutional privileges of the council and assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject, you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the colonial legislature. At the conclusion of the session, you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of his Majesty's government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision, what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time, call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding

you, that his Majesty's government will feel the most lively interest in the result of the deliberations of the legislative council and assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before his Majesty, acts of the assembly of the Bahamas, fully carrying into effect the spirit of the various provisions, which, by his commands, I have now the honour to transmit to you.

I have, &c.

(Signed) BATHURST.

Officer administering the Government of the Bahamas.

Heads of a Bill for establishing within the Bahama Islands an Officer to be called "The Protector and Guardian of Slaves."

Clause 1.—There shall be hereafter within the Bahama Islands, an officer to be called "The Protector and Guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and such appointment shall be made by a warrant under his Majesty's signet and sign manual.

Clause 2.—In the event of the death of the said protector and guardian of Slaves—or of his resignation—or of his bodily or mental incapacity—or of his removal or suspension from office—or of his temporary absence from the island, the governor shall appoint a proper person to act as the deputy protector and guardian of Slaves until his Majesty's pleasure shall be known.

Clause 3.—The protector and guardian of Slaves shall at all times perform his duty in person and not by deputy, excepting only in those cases in which the governor is expressly authorized to appoint a deputy for that purpose.

Clause 4.—The protector and guardian of Slaves shall, before entering on the execution of his office, take and subscribe before the governor an oath in the following words: *viz.*, "I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves in the Bahama Islands, without fear, favour, or partiality. So help me God."

The same oath shall also be taken and subscribed by the deputy protector and guardian.

Clause 5.—The protector and guardian of Slaves shall not be the owner of any plantation within the Bahama Islands, or of any Slaves employed upon any plantation, or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon any such plantation or Slave, and shall not be competent to act as the manager, overseer, agent, or attorney, for or upon any plantation in the island; nor as the guardian, trustee, or executor of any person having any such plantation or any Slaves. If the protector and guardian of Slaves shall require or hold in his own right, or in that of his wife, or in trust for any other person, any plantation in the island, or any Slaves employed in any plantation, or in any kind of agriculture; or any interest in, or any mortgage or security upon any such plantation or Slaves; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned; he shall thenceforth *de facto* cease to be protector and guardian, and forfeit his office.

Clause 6.—Provided that all the Acts of the protector and guardian of Slaves done after such forfeiture of office, and before the office is declared void by public notice in the gazette of the island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

Clause 7.—The protector shall constantly reside within the island, unless he shall obtain a special leave of absence from his Majesty or from the governor. The leave of absence shall never exceed [ ] at any one time, and shall not be granted by the governor unless it shall be

made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of Slaves.

Clause 8.—The protector and guardian of Slaves shall keep a public office in the [ ] of [ ]; and shall attend there on such days, and during such hours of the day, as the governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his office.

Clause 9.—Some proper person shall be appointed by the governor in every parish of the island, to be the assistant protector and guardian of Slaves in that parish; and such assistant protectors and guardians shall, in their respective parishes, be assisting the protector and guardian of Slaves in the execution of the duties of his office; and shall carry into execution such lawful instructions as they may receive from him in reference to such duties: Provided that such assistant protectors and guardians of Slaves shall always be persons named in the commission of the peace for the county or parish in which they may be appointed so to act.

Clause 10.—The assistant protectors and guardians of Slaves, shall hold such their offices during his Majesty's pleasure.

Clause 11.—The protector and guardian of Slaves, and his deputy and assistants, shall respectively receive their salaries in lieu of all fees and other emoluments; and any such protector and guardian of Slaves, his deputy or assistants, receiving any fee or emolument beside his salary in respect of any act done by him in the excution of his office, shall incur a fine equal to [ ] the amount of what he may so receive, and shall become disqualified from holding such his office.

Clause 12.—In any prosecution commenced in any court of justice in the island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor: Provided that this rule shall not extend to prevent the attorney general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such prosecution.

Clause 13.—On the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June in each year, the protector and guardian of Slaves shall deliver to the governor a written report of the manner in which the duties of his office have been performed during the preceding half year, which report shall contain a statement of all prosecutions in which he or his assistants may have acted as the protector of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as are required by any other Acts of Assembly to be stated therein; and the governor of the colony shall administer to the protector of Slaves an oath, that the report contains a true statement of the several matters therein referred to. As soon as the protector and guardian of Slaves has taken such oath, then, and not before, he shall receive from the governor a warrant for the amount of his salary for the half year next preceding the date of such report; which report shall then be transmitted by the governor to one of his Majesty's principal secretaries of state.

Clause 14.—If the protector and guardian of Slaves, or any deputy or assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by any Act of Assembly he may be required to keep, or shall wilfully falsify any such book, record, or return; or make any false entry therein; or burn, cancel, obliterate, or destroy the same or any part thereof; he shall incur a fine of not less than [ ] nor more than [ ]; or imprisonment, for any time not exceeding [ ] nor less than [ ]; or both fine and imprisonment, at the discretion of the court. And all such fines shall be recovered in the Court of King's Bench and Common Pleas of the island, and shall be divided equally between his Majesty and the informer.

Clause 15.—In the absence of the governor from the island, any person

lawfully administering the office of governor, shall be competent to do such acts as the governor is hereby empowered to do.

Clause 16.—The protector and guardian of Slaves, the deputy protector and guardian of Slaves, and the assistant protectors and guardians of Slaves shall respectively execute and perform such duties as may be imposed upon, or required of them respectively, by any Act of Assembly passed or to be passed in the present, or in any future session.

Notes on a Bill for Establishing within the Bahama Islands, an Officer to be called "The Protector and Guardian of Slaves."

Note on Clause 1.—The Order in Council for improving the condition of Slaves in the Island of Trinidad, does not provide for the erection of a new office, because in that colony, the Procurador Syndic was already invested by the Spanish law with the office of guardian of Slaves. As there is no official protector of Slaves in Barbadoes, it is necessary to make provision by law for the establishment of such an office. As the duties of the protector will be amply sufficient to occupy his whole time and attention, it would be highly inexpedient to follow the precedent of the Trinidad Order by combining this office with any other at present existing in the island.

Note on Clause 9.—In the Trinidad Order in Council, the guardian of Slaves is declared to be a magistrate, and is invested with powers similar to those of the commandants at quarters, and which he is to exercise throughout the whole of that island. In the Bahama Islands it is unnecessary to make such a provision, as the governor will be instructed to place the protector and guardian of Slaves in the commission of the peace.

As there are not in the Bahama Islands any officers whose functions correspond with those of the commandants of quarters in Trinidad, it seems necessary to leave to the governor the selection of the assistant protectors in the several parishes. He is however restricted in his choice to gentlemen in the commission of the peace, because this seems the best security for the appointment of persons of sufficient property and personal respectability.

Heads of a Bill to regulate the Admission of the Evidence of Slaves.

Clause 1.—Every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within the island, and carrying on there no other business or occupation with a view to profit there, except that of a schoolmaster, shall be authorized to transmit or deliver under his hand to the protector and guardian, or assistant-protector and guardian of Slaves, of the parish in which he may be resident, certificates, setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. The assistant-protectors of Slaves of the several parishes shall transmit such certificates to the protector and guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

Clause 2.—No priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or acting-governor of the Bahama Islands, shall grant to such priest, minister, or public teacher, a written license to grant such certificates, nor unless such license shall continue in force at the time of signing the certificate, and shall have been registered in the office of the protector and guardian of Slaves.

Clause 3.—No person shall henceforth be rejected as a witness or con-

sidered as incompetent to give evidence in any court of civil or criminal justice in the Bahama Islands, by reason of his or her being in a state of Slavery, if the person producing such Slave as a witness, shall also produce to the court a certificate, under the hand of the protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book.

Clause 4.—The protector and guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not.

Clause 5.—No person in a state of Slavery shall be admitted to give evidence in any civil suit or action, in which his owner is directly concerned.

Clause 6.—No person in a state of Slavery shall be admitted to give evidence in any case where any white person may be charged with or prosecuted for any offence punishable with death.

Clause 7.—Nothing in this act contained shall extend to take away or diminish any power or authority which any court of criminal jurisdiction in the said colony, now hath to admit in any case the evidence of any persons in a state of Slavery.

Clause 8.—Nothing contained in the Act shall extend to render any Slave competent in the law to give evidence in any case, in which such Slave would be incompetent to give evidence if he or she were of free condition.

Clause 9.—The protector and guardian of Slaves, in his half yearly reports to the governor, shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, and to enable Slaves, under certain Restrictions, to purchase their own Freedom.

Clause 1.—No duty, or tax, or fee of office shall be paid in the Bahama Islands, upon or in respect of the manumission of any Slave, or the enrolment of any deed of manumission, except a fee not exceeding [ ] sterling, which the protector and guardian of Slaves shall pay to the secretary and registrar of the island for enrolling every deed of manumission. Such fee shall be repaid to the protector and guardian of Slaves by the public treasurer, out of any unappropriated money in his hands. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding [ ] nor less than [ ] sterling, to be recovered by bill, plaint, or information, in the Court of King's Bench and Common Pleas of the island, by any one who may sue for the same, and to be divided in equal moieties between his Majesty and the person so suing.

Clause 2.—If any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid.

Clause 3.—If the owner of such Slave shall be unwilling to effect his or her manumission; or shall by reason of any mortgage, settlement or lease, or other charge upon or interest in any such Slave, invested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or any other person having interest in the Slave shall be a minor, or a married woman, or idiot, or lunatic; or if the owner of the Slave is absent from the island, or shall not be known; or if any suit or action shall be depending in any court of justice in the island, wherein the title to such Slave, or the right to his services, shall be in controversy; or if the owner of the Slave shall demand, as the price of his freedom, any sum, which in the judgment of the protector and guardian of Slaves shall exceed the real value of such Slave, then, and in every such case, the chief justice of the Court of King's Bench and Common

Pleas, on the application of the protector and guardian of Slaves, shall issue a summons, requiring the owner or manager of the Slave to appear before him, at some convenient time and place. Notice shall be published by the protector and guardian of Slaves in the public gazette of the island, on [ ] different days, of the time and place so appointed for the purpose aforesaid; and in such notice all persons having or claiming any interest in any such Slave, either in his own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

Clause 4.—At the time appointed for any such meeting, the chief justice, in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before-mentioned notices, then, if necessary) in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner, or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case any of the parties shall refuse to effect any such manumission; or if it shall appear to the said chief justice that a valid manumission of any such Slave cannot legally be effected by private contract; or that the owner of any such Slave, or that any person having any charge upon or interest in him, or her, is a minor, or married woman, or idiot, or lunatic; or that the real owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island, or is unknown, or cannot be found; or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services is in controversy; or if it shall appear to the said chief justice that any difference of opinion exists between the protector and guardian of Slaves and the owner of any such Slave, respecting his or her price or value, then the said chief justice shall require the protector and guardian of Slaves, and the owner or manager of any such Slave, each to nominate an appraiser of his or her value: and the said chief justice shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said chief justice to make an impartial appraisement, shall, within [ ] days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the chief justice, under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice within the said term of [ ] days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next [ ] days, certify his valuation under his hand and seal to the said chief justice; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry in the said island.

Clause 5.—Upon payment to the treasurer of the said island of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him, and such receipt shall be duly enrolled in the office of the secretary and registrar in the said island, together with a declaration under the hand and seal of the said chief justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed and taken to be free to all intents and purposes.

Clause 6.—The money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the chief justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at the rate of [ ] per cent per annum, such interest to be borne by and defrayed out of [ ]; and the Slave or Slaves so to be

purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, conditions, mortgages, and demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the chief justice of the said colony may, upon a summary application of any person interested therein, see fit to make; and such principal money and interest shall, by the said treasurer, be paid and disposed of in pursuance of and obedience to any such order.

Clause 7.—In all cases where an appraisement of a Slave shall be made by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner and the protector and guardian respecting the price or value of the Slave, the expenses of the appraisement shall be borne equally by, and divided between the owner and the Slave proposed to be manumitted. In all cases where the appraisement is made by reason of the inability of the owner to effect a valid manumission by private contract; or by reason of the minority, coverture, idiotcy, or lunacy of the owner; or by reason of the absence of the owner or other person having a charge upon the Slave from the island; or by reason that the owner is unknown, or cannot be found; or by reason of the pendancy in any court of justice of any suit wherein the title of a Slave or the right to his services is in controversy; then, and in all such cases, the expenses of the appraisement shall be equally divided between the Slave proposed to be manumitted and the owner. The portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment thereof as aforesaid.

Clause 8.—Before the manumission of any Slave by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also without fee or reward prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed shall by such protector and guardian of Slaves be enrolled in the office of the secretary and registrar in the said island, within one calendar month next after the date and execution thereof; and in case any such deed shall not be left for enrolment at the said office, within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding [ ] nor less than [ ] sterling.

Clause 9.—In case any such deed of manumission as aforesaid, shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the commandant of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves or to the commandant, as the case may be, that the Slave about to be gratuitously manumitted is under the age of [ ] years, or above the age of [ ] or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his Majesty in the penal sum of [ ] with a condition there underwritten for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained until the age of

[ ] years in the case of infants; or during the term of his or her natural life in the case of adults of the age of [ ] years, or labouring under any such sickness or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed, and registered, and deposited in the said office.

Clause 10.—In the half-yearly returns to be made by the protector and guardian of Slaves to the governor of the island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

Notes upon Heads of a Bill to regulate the proceedings for the Manumission of Slaves, &c.

THE preceding regulations respecting the manumission of Slaves have given rise to a protracted discussion between his Majesty's government and the local authorities in Trinidad and Demerara. The progress of those discussions will be best learned by referring to the printed papers which have been laid by his Majesty's command before both Houses of Parliament. His Majesty's government have no intention to recede from the principles which have been advanced in the course of the official correspondence in question. A particular reference to a despatch to the lieutenant-governor of Demerara, of the 25th of February, 1826, will probably diminish, if it does not entirely dispel, the apprehensions which this part of the Trinidad Order in Council appears to have excited.

Note on Clause 7.—The regulations contained in this clause, for dividing the expenses of the appraisement between the manumitted Slave and his owner, form an addition to the original Order in Council for Trinidad, and were introduced by the governor's proclamation to supply a defect which had been pointed out in the original order.

Heads of a Bill for regulating the celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.

Clause 1.—Slaves desirous to intermarry shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant-protector and guardian of Slaves of the parish in which the woman may reside, for a marriage license, producing the consent in writing of their owners or managers to the celebration thereof.

Clause 2.—If the owner or manager of both or either of the Slaves shall refuse his consent to the marriage, or shall not give his written permission for the celebration thereof, the protector and guardian of Slaves, or the assistant-protector and guardian, shall issue a summons requiring the owner or manager to appear before him, at a time and place to be appointed for that purpose; such time not being more than [ ] distant from the time when the application shall be received by such protector and guardian of Slaves or assistant-protector and guardian of Slaves. If the owner or manager fails to appear, or appearing fails to produce good proof that the marriage would be injurious to the well being of the Slaves, the protector and guardian of Slaves, or the assistant-protector and guardian, shall issue a marriage license.

Clause 3.—The licenses are to be issued without fee or reward, authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such Slaves. Provided that no public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, or a priest or curate professing the Roman Catholic religion, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or acting-governor of the Bahama Islands,

shall grant to such public teacher a written license to celebrate marriages, nor unless such license has been registered in the office of the protector and guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage.

Clause 4.—It shall be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solemnized shall, to all intents and purposes, be valid, binding, and effectual in the law: Provided, that no such marriage shall confer on any such Slaves or their issue, any rights inconsistent with the duties which the Slaves owe to their owner, or to the government, or at variance with those rights which the owner and the government respectively, are by law entitled to assert over such Slaves and their progeny.

Clause 5.—Any person by whom any such marriage may be solemnized by virtue of any such license as aforesaid, shall, within [ ] days next after the solemnization thereof, under a penalty of not more than [ ] nor less than [ ] transmit to the protector and guardian of Slaves at [ ] a certificate of the solemnization of the marriage; and such protector and guardian of Slaves shall register in a book, to be kept by him for that purpose, every marriage which shall be so solemnized with the date thereof; and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing, every such marriage.

Clause 6.—The Act shall not extend or be construed to render any marriage between persons in a state of Slavery valid and effectual which would be illegal or void if such persons were of free condition.

Clause 7.—In his half-yearly returns to the governor, the protector and guardian of Slaves shall include a statement of the number of licenses which may have been granted by him in the preceding half year, for the marriage of any Slaves, with the number of marriages solemnized in pursuance thereof.

Note on a Bill for regulating the celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in Law.

Note on Clause 4.—The provision, that the marriages of Slaves shall not invest the parties with any rights inconsistent with the duties which they owe to their proprietors or to the government, was introduced into the law of Demerara in compliance with the wish of the Court of Policy, and is an addition to the Trinidad Order in Council.

Heads of a Bill for the Suppression of public Markets on Sunday, and for preventing Slaves being compelled to labour on that Day.

Clause 1.—From the time when the Act shall come into operation, all persons of free condition, who, on any Sunday after the hour of [ ] in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties, and forfeitures, as by any law in force within the realm of England, may be inflicted upon or incurred by any person offending therein in like manner. If the offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the clerk of the market, or any constable; and such goods shall be taken on the following day before any justice of the peace, who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows, (that is to say), one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct.

Clause 2.—From the time when Sunday markets shall be totally suppressed as after mentioned, the same punishments, penalties, and forfeitures, shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or

attending at any such market, at whatever part of the day called Sunday, the offence may be committed.

Clause 3.—It shall be lawful for his Majesty, by an instruction to be issued to the governor of the Bahama Islands, through one of his principal secretaries of state, to direct the governor of the Bahama Islands to issue, in his Majesty's name, a proclamation for the discontinuance and suppression of all markets throughout the island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall cease and be absolutely unlawful.

Clause 4.—The Act shall not extend to prevent the dressing or selling meats in inns or victualling-houses, or the sale of fish or milk; provided that such sale shall not take place in any city, town, or parish, during the hours appointed and set apart for the celebration of divine service therein. The Act shall not extend to prevent the sale of medicines during any part of the Sunday.

Clause 5.—In every city and town throughout the island wherein markets are by any usage or supposed prescription now holden on Sunday, markets shall henceforth be holden on [ ]; and the proprietors of any such market places, and all persons resorting thereto, shall on each [ ] have, exercise, and enjoy, the same rights, in respect of such markets, and shall receive and pay the same tolls and dues, as have hitherto been exercised, enjoyed, received, or paid by or to any such persons in respect of any such markets or market places on Sunday.

Clause 6.—If any person shall work or employ any Slave between the hours of ten at night on any Saturday, and sun-rise on any Monday, or shall, during that period, procure, induce, or compel, any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending, shall incur a fine not exceeding [ ] nor less than [ ].

Clause 7.—If any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night, and sun-rise on Monday morning, for wages, or any other consideration, the person so hiring any such Slave shall incur the penalties before mentioned.

Clause 8.—The preceding rules shall not extend to labour performed by any Slave on Sunday in the necessary attendance on the person, or in the family of his owner or employer; nor to labour performed in the necessary preservation of the cattle or live stock on any plantation; nor to labour performed by Slaves as watchmen on any estate; or in nursing or attendance on the sick; or in performing or making preparations for any interment; or in extinguishing any fire; or in preventing any irreparable damage or injury to the property of his owner or employer. And no Slave so employed by his owner or employer on Sunday, shall be entitled to any hire or wages for such services.

Clause 9.—In any case where it shall be absolutely necessary for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, the Act shall not extend to prevent any Slaves from hiring themselves either to their owner or to any other person, to perform such necessary work on that day: Provided that no Slave may be hired by any person except the owner to perform even such necessary work as aforesaid, on the Sunday, except with the written consent of the owner; and also provided that the protector and guardian of Slaves of the island, shall publish a notice in the public gazette, on the 25th day of December, and the 24th day of June, or as soon after those days as any such gazette may be published in each year, in which notices shall be stated the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work for the special purpose before-mentioned; and such notices shall state the different rates of wages, according to the age and sex of the Slaves, and according as they may be field Negroes or artificers. No hiring of any Slave on the Sunday for any such special purpose shall be a legal hiring, or exempted from the penalties of the law,

unless such Slave shall actually receive and be paid for his own use and benefit, wages of not less than the rate so to be fixed by such public notice.

Clause 10.—No Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily, and shall receive such wages as before mentioned.

Notes on a Bill for the Suppression of Sunday Markets, and for preventing Slaves from labouring on that Day.

Note on Clause 1.—The penalties which it is proposed by the preceding clause No. 1, to inflict upon free persons dealing or attending at any public market, are the same as are denounced by the law of England against the same offence. In Trinidad the governor is authorized to impose penalties by his proclamation. It is scarcely necessary to observe, that in a colony where the law of England prevails, this portion of the Trinidad code could not properly be introduced.

The same clause however ascertains the punishment when the offence is committed by Slaves, because this is a case to which the law of England would be inapplicable.

Note on Clause 4.—The permission to sell milk and medicines on the Sunday, is a relaxation of the rule not to be found in express terms in the Trinidad proclamation, but which is obviously required by the spirit of the law.

Note on Clause 5.—As it is not certainly known whether markets may not have been habitually held in the Bahama Islands on Sunday, upon land belonging to some private person or corporation, it seems necessary to provide for the exercise in such market places, on some other day of the week, of any rights which by practice and usage have hitherto been exercised there on Sunday. It has never been suggested that any such private rights existed in Trinidad, and therefore the order in council for that island is silent on the subject.

Note on Clause 6.—The power of employing Slaves until the hour of *ten* on Saturday night is an alteration made in consequence of the representations received from Trinidad, and a modification of the original order.

Note on Clause 7.—The express prohibition of Slaves *hiring* themselves out to labour, was introduced by the proclamation issued in his Majesty's name in Trinidad, to explain the supposed ambiguity of the original order on this subject.

Note on Clauses 8 and 9.—The particular occasions on which Slaves might be employed to labour on the Sunday are specified in this clause in the terms of the proclamation mentioned in the preceding note. It is to be observed that a distinction has been maintained, both in Trinidad and Demerara, between the occasional and the habitual exigencies of the plantation. When the necessity of labour on Sunday habitually recurs, as in the case of labour undertaken for the preservation of the crops, there it is required that the Slave should receive wages. Where the labour is only occasional and accidental, as in the case of interments, hurricanes, &c., there the Slave is required to work without wages.

These Clauses suppose the existence of such an office as the protector and guardian of Slaves, it being the wish of his Majesty's government that the Bill creating that office should precede the other measures which are suggested.

Heads of a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property by the Establishment of Banks for Savings.

Clause 1.—Whereas by the usage of the Bahama Islands persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control of their owners, and it is expedient that such laudable custom

should be recognised and established by law, therefore be it enacted, &c., that no person in the Bahama Islands being in a state of Slavery shall, on account of such his condition, be or be deemed to be incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, possess, hold, alienate, and dispose of lands situated in the Bahama Islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or the like nature, of what value and amount soever, and to bring, maintain, prosecute, and defend any suit, or action in any court of justice, for or in respect of any such property as fully and amply to all intents and purposes, as if he or she were of free condition.

Provided that this Act shall not extend to revoke or alter any law now in force in the Bahama Islands, respecting the manner in which Slaves may cultivate land for their own advantage. Provided also, that the Act shall not extend to authorize any Slave to acquire or to become the owner of any fire-arms, gunpowder, or ammunition.

Clause 2.—For the better preserving the property of any such Slaves, banks for savings shall be established within the Bahama Islands, and interest at the rate of [ ] per cent per annum shall be allowed upon every sum deposited in any such bank, which interest shall be charged upon his Majesty's revenue within the island.

Clause 3.—Any Slave making any deposit of money in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid, and such declaration shall be recorded in a book to be kept for that purpose at the savings bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave in the absence of any other will. In case any Slave shall marry after making any such declaration, the marriage shall be taken to be a revocation of the declaration. If any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the property of the Slave shall be disposed of in favour of such persons as by virtue of the statutes of distribution of intestate's estates, would according to the law of England be entitled to any such property.

Clause 4.—The savings banks throughout the island shall be under the protection and control of the protector and guardian of Slaves, and the governor of the island shall have authority to appoint such proper officers, and make such necessary rules and regulations as will be best adapted for managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be there deposited: Provided that such regulations be not repugnant to this Act, and that the same be transmitted to England for his Majesty's approbation.

Clause 5.—No deposit of money shall at any one time, or in any one week, be received at any bank for savings from any Slave exceeding the sum of [ ] in the whole, unless at the time of tendering such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the protector of Slaves, upon application made to him for that purpose, shall issue a summons requiring the owner or manager to appear before him at some particular time and place; and if the person being so cited shall not appear, or appearing shall not lay before the protector and guardian of Slaves, sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and the same shall be received by him accordingly.

Clause 6.—In his half yearly returns to the governor, the protector and guardian of Slaves shall amongst other things state the amount of the sums of money deposited in any savings banks in the island in the preceding half year.

Notes on a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property, by the Establishment of Banks for Savings.

Note on Clause 1.—The right of Slaves to acquire property is established in the Trinadad order in council in such language as not to permit a Slave to become himself the owner of other Slaves. If it should be thought right to make this exception in more direct and explicit terms, there could be no objection to it.

The Trinidad order in council, as originally drawn, did not make any exception of the staple commodities of the island in the enumeration of the kinds of property which a Slave was permitted to acquire. It was represented by the governor that the colonial law existed, by which a Slave was prohibited from planting any staple commodities, and he desired to be informed whether the order in council was to be considered as having repealed that law. He was accordingly informed, that in granting to Slaves the power of acquiring land, the order had not exempted them from any existing restrictions as to the mode in which land might be cultivated by persons of their class and condition. The court of policy in Demerara represented that by the law of that colony, Slaves were not permitted to sell or barter the staple commodities. It appearing therefore, that in the one colony the Slaves could not cultivate these articles, and that in the other they could not sell them, his Majesty's government deemed it expedient not to claim for the Slaves the abstract and unprofitable right of owning this description of property. It was therefore admitted that Slaves ought not to be proprietors of sugar, coffee, or cotton. A similar admission may therefore be made in the Bahama Islands if the law of that island has already established the same or similar restrictions.

The court of policy urged various objections against permitting a Slave to bring an action at his own discretion, and they proposed to invest the protector of Slaves or the master, with a power of deciding, in any particular case, whether there was sufficient reason for such a proceeding. These objections so far prevailed that it was agreed to substitute for the enactment of the Trinidad code a provision, giving to the protector of Slaves a clear right to bring or defend any action in respect to the property of the Slave, and empowering the president of the supreme court of the colony to direct prosecutions on the application of the Slave. The form in which these modifications of the law may be best made, still remains to be considered by the court of policy. A similar alteration may, if necessary, be introduced in the Bahama Islands. The proper form to be adopted for that purpose, will be best decided by the law officers of the crown for that island.

Heads of a Bill to prevent the Separation of Slaves, being Members of the same Family by Virtue of any legal Process.

Clause 1.—In the execution of any judgment, sentence, decree, or order of any court of justice within the Bahama Islands, it shall not be lawful to seize or sell any Slave having a husband, or wife, or child, under the age of [ ] years, or a reputed husband, or wife, or child, under that age, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person.

If in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves, shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child, as aforesaid, such sale and execution shall be absolutely null and void in the law to all intents and purposes.

Clause 2.—If the provost marshal, or his deputies, or any other executive officer making any levy upon Slaves under any writ of execution or judical process, shall be unable to ascertain whether any Slave on which he may so levy has or has not a husband, or wife, or reputed husband, or wife, or child

under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost marshal or other officer, to make a special return of any such circumstance to the court, out of which the execution has issued, and the court shall thereupon direct a copy of such return to be transmitted to the protector and guardian of Slaves; and upon hearing what may be alleged by such protector and guardian, and by the several parties in any such action, cause, suit, or proceeding, the court shall decide whether the Slave so seized hath or hath not any husband, or wife, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said persons or person; and such court shall make a rule upon such provost marshal or other officer requiring him either to proceed to the sale of the single Slave or not, as the case may require.

Note on a Bill to prevent the Separation of Slaves being Members of the same Family, by Virtue of any legal Process.

Clause 2.—This clause is adopted from the Act of the court of policy of Demerara. There is an obvious convenience in enabling the officer of the court to refer to some higher authority the decision of the question of fact, whenever a doubt arises whether a Slave has any connexion from which such Slave cannot legally be separated. But it seems more consistent with the spirit of English law, to refer this question to the decision of the court from which the process issues, than to leave it, as in Demerara, to the arbitrament of the protector of Slaves. He would be entitled to be heard on behalf of the Slave, but could not, with propriety, be intrusted with the determination of the question of private right.

Heads of a Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due course of Law, or by the Authority of the Master.

Clause 1.—In all prosecutions which may be commenced in any court of justice in the island, wherein a Slave may be charged with any offence punishable by death or transportation, the same notice is to be given to the protector and guardian of Slaves of such prosecution, as according to the law of the island, would be given to the Slave if he were of free condition; and the protector and guardian of Slaves is required to attend at the trial and other proceedings in every such prosecution as the protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave.

The protector and guardian of Slaves shall be allowed on all such trials and proceedings to act for the benefit of the Slaves, in the same manner as by the law of the island any counsel or attorney at law may upon similar occasion act for the benefit of any person of free condition.

Clause 2.—It shall be illegal for any person within the Bahama Islands, to carry any whip, cat, or other instrument of the like nature while superintending the labour of any Slaves in or upon the fields, or cane pieces upon any plantation; or to use any such whip, cat, or other instrument of the like nature for the purpose of impelling or coercing any Slave to perform labour of any kind whatsoever; or to carry or exhibit upon any plantation or elsewhere any such whip, &c., as an emblem of the authority of the person so carrying the same over any Slaves or Slave. And any person offending against this rule, or directing, instigating, or abetting in any such illegal driving, or use, or exhibition of any such whip, &c., shall be guilty of a misdemeanour.

Clause 3.—It shall be unlawful for any person to inflict in any one day upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding [ ] in the whole; or to inflict upon any such male Slave any punishment by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male Slave any punishment by the whipping or beating of his person until twenty-four hours at the least shall

have elapsed from the time of the commission of the offence in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at and witness the infliction of the whole of such punishment, other than the person by whom or by whose authority the punishment may be inflicted. Persons offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave, shall be guilty of a misdemeanour.

Clause 4.—The preceding rules are not to extend to any punishments which may be inflicted on any Slave under the judgment of an y courtof competent jurisdiction.

Clause 5.—It shall not be lawful to punish by whipping, any female Slave for any offence committed, or alleged to be committed, by her. And any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanour.

Clause 6.—The preceding clause does not extend to prevent the owner of any female Slave, under the age of [ ] years from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent as any child of free condition may be and usually is punished in any school for the education of youth in the island.

Clause 7.—Crimes which may hereafter be committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be punished at the discretion of the court of justice, or the owner or manager directing such punishment, in one or the other of the following modes:—that is to say;—First, by solitary confinement, with or without work, in any proper place for that purpose on the estate, provided that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the island, and the protector and guardian, or the assistant protector and guardian of Slaves of the parish where the same is situate, shall have signed a certificate in writing, approving such place of confinement, which certificate shall be transmitted to and deposited in the office of the protector and guardian of Slaves; and also provided that no such solitary confinement shall be continued more than [ ] for any one offence, and that no Slave shall be subjected to punishment by solitary confinement more than [ ] in any one calendar month.—Secondly;—By field stocks or confinement of the hands during the hours of labour in the field, provided that the period of confinement shall not at any one time exceed [ ] and shall not be repeated a second time until [ ].—Thirdly;—House stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of confinement shall not exceed [ ] for any one offence, and that no such punishment shall be repeated twice within the period of [ ].—Fourthly;—Bed stocks for the confinement of the feet during the night, provided that no such punishment shall be repeated within the period of [ ].—Fifthly;—Distinguishing dresses, to be used either with or without the stocks, provided that such punishment be not continued more than [ ] for any one offence, and that the same be not repeated within [ ].—Sixthly;—Confinement either solitary or otherwise, during one of the hours of noon, with or without work, during such confinement, provided that no such punishment be repeated within the period of [ ].

Clause 8.—Any person repeating any such punishment as aforesaid at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose, or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid, within [ ] next preceding such confinement, or using any stocks for the purpose of punishment in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food and with a proper supply of water, or who shall punish any woman known, or

supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of miscarriage shall be guilty of a misdemeanour.

Clause 9.—In any case in which a male Slave is now by law punishable with flogging, it shall be lawful for his owner or employer, or for any court of justice, or justice of the peace, having jurisdiction therein, to substitute for such flogging any one of the punishments before mentioned; provided that the conditions and regulations aforesaid, so far as they are applicable to the case of male Slaves, be duly observed.

Clause 10.—None of the before-mentioned punishments shall be inflicted on any Slave by the authority of the owner or employer, until twenty-four hours at the least have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted; nor unless one person of free condition shall be present at and witness the infliction of such punishment.

Clause 11.—Every person having charge of a task or working gang of Slaves exceeding [ ] in number, and every owner of, or other person having the direction of, any plantation or estate within the colony, shall keep a book to be called "the Punishment Record Book." And it shall be the duty of such owner or other person to enter and record in the said book, at or immediately after the time of infliction, of any punishment whatever on any female Slave hereby authorized, or on any male Slave who may be punished in any one day with any number of stripes exceeding [ ], or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence, for or with respect of which such punishment may be inflicted, and of the time at which and the place where the offence was committed, and of the time at which and the place where such punishment was inflicted, and of the nature, extent, and particulars of the punishment; and, in the cases of male Slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons of free condition present and attending at the infliction of every such punishment. Any person neglecting to make such entries in the punishment record book, or not making such entry within [ ] after the infliction of the punishment, shall incur a penalty not exceeding [ ] nor less than [ ]. Persons wilfully or fraudulently making a false entry or erasure in any such book, or burning, destroying, cancelling, or obliterating the same, shall be guilty of a misdemeanour.

Clause 12.—Every person required to keep a punishment record book shall, on the first Monday next following the 5th of April, 24th of June, 29th September, and 25th of December in each year, repair to the assistant protector and guardian of Slaves, of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his punishment record book, and shall take the following oath, which such assistant protector and guardian of Slaves is authorized to administer:—"I, A. B., the owner (or manager, as the case may be) of the estate or plantation called , in the parish of , in the island of , do make oath and say that the writing hereunto annexed contains a true and exact copy of every entry which, since the day last, hath been made in the punishment record book of the before-mentioned plantation; and I do further swear that the said punishment record book hath been punctually and accurately kept since the said day of , in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent."

Clause 13.—If any owner or manager shall not, since the time of making his last preceding return, have inflicted any punishment required by law to be recorded, then, instead of the before-mentioned oath, he shall take and subscribe before the assistant protector and guardian of Slaves of the

parish in which he may be resident, the following oath;—viz: "I, A. B. do swear, that since the day of , now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, on any Slave belonging or attached to the plantation called , situate in the parish of , whereof I am owner (or manager as the case may be) excepting punishments inflicted on male Slaves not exceeding three lashes; and I further swear that no entry of any such punishment hath since the day of , been made in the punishment record book of the said plantation.—So help me God."

Clause 14.—[ ] at the least before the time of making any such returns, the assistant protector of Slaves of each parish within the island, shall transmit to the owner or manager of every plantation situate within such parish, a printed blank form of the before-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving the returns, and administering the oaths aforesaid. And every such assistant protector of Slaves shall attend from day to day for [ ] successive days for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person liable to make such return is rendered incapable by sickness of attending for that purpose, then such assistant protector and guardian shall attend any such person at their place of abode for the purpose of receiving their returns and taking the affidavits before mentioned.

Clause 15.—Any person refusing or neglecting to make any return, or to take the oaths required by this law, shall incur a fine at the discretion of the court not exceeding [ ] nor less than [ ]. Any quaker liable to make any such returns, may make the same upon his solemn affirmation.

Clause 16.—The assistant protector and guardian of Slaves of each parish, is to transmit to the protector and guardian of Slaves at his office in [ ] the whole of the returns made to him with the original affidavits thereto annexed, within [ ] next after such quarterly returns are complete. If any such assistant protector and guardian of Slaves shall himself be the owner or manager of any plantation, he shall, with the returns, deliver to the protector and guardian of Slaves a transcript of the entries in his own punishment record book, for the last preceding quarter of a year, with an affidavit sworn before one of the justices of the Court of King's Bench and Common Pleas, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make the returns or to take the oaths aforesaid; provided however, that such assistant protectors and guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they shall think proper so to do.

Clause 17.—The protector and guardian of Slaves is to record, in books to be kept by him for that purpose, the whole of the returns so to be made to him, preserving in his office the originals of such returns and affidavits. A distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indices shall be made to such books.

Clause 18.—On the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open court, declare such traces to be the consequences of any unlawful punishment, or correction, and being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be a competent witness, the owner or manager should be bound to prove either that the punishment, of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that the punishment was a lawful punishment, within the meaning of this Act; and was inflicted in the presence of one witness, of free condition, as is hereby

required ; in default of such proof, such owner or manager, is to be convicted and judged guilty of the offence imported to him ; no such prosecution shall be discontinued except in obedience to a written order, issued for that purpose by the governor under his hand and seal.

Clause 19.—Persons guilty of swearing falsely, or being quakers, of making a false affirmation under this Act, shall suffer such punishment as by the law of the Bahama Islands may be inflicted on any persons guilty of wilful and corrupt perjury.

Clause 20.—Any person convicted of any misdemeanour under this Act, shall, if of free condition, become liable to a fine not exceeding [ ] nor less than [ ] or to imprisonment for any time not exceeding [ ] nor less than [ ] or both to fine and imprisonment at the discretion of the court before which such conviction may take place. If the offender is a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding [ ] at the discretion of the court before which the conviction may take place.

Clause 21.—In case any person shall be convicted of cruelty to any Slave, the court may at their discretion declare the right and interest of the person so convicted in, and to any such Slave, to be absolutely forfeited to his Majesty.

Clause 22.—If any person shall be twice convicted of inflicting upon any Slave, any cruel and unlawful punishment, the person so convicted, shall, in addition to the penalties before mentioned, be declared by the court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slave or Slaves within the island ; and all Slaves of which any such person may at the time of such conviction be the owner or proprietor, and all the right and interest of any such person in any such Slaves, shall thenceforth be absolutely forfeited to his Majesty.

Clause 23.—No forfeiture to his Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away the right or interest of any person in, or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

Clause 24.—Whenever any such forfeiture as aforesaid shall accrue to his Majesty, it shall not be carried into effect by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his Majesty, through one of the secretaries of state, and his Majesty's pleasure shall have been signified thereupon ; but, pending such reference, the forfeited property shall remain vested in his Majesty, subject to be divested if his Majesty shall be graciously pleased to remit the forfeiture.

Clause 25.—The protector and guardian of Slaves in his half yearly returns to the governor, shall state the particulars of all the returns which, by virtue of this Act, may have been made to him in the preceding half year by the assistant protectors and guardians of Slaves within the several parishes of the island, and the names of the persons, if any, against whom he may in the preceding half year have instituted any criminal prosecutions under this Act.

Notes on a Bill for preventing Abuses in the Punishment of Slaves.

Note on Clause 1.—As the rules of English law exclude all persons from acting in criminal proceedings on behalf of the accused party, except his counsel and attornies, it is necessary to sanction, by express enactment, the interposition of the protector and guardian.

In Demerara the attendance of the protector of Slaves on *all* prosecutions has been dispensed with, because that duty would not be compatible with the due discharge of the functions of the same officer as fiscal, and though now separated, those offices were at first held by the same individual. In the Bahama Islands the same reason will not apply, and therefore the same provision is there unnecessary.

Note on Clause 6.—This explanatory clause was introduced in Trinidad, in deference to the wishes of the inhabitants, although it might seem almost superfluous to declare that the law had no reference to domestic discipline in the case of young children.

Note on Clause 7.—The enumeration here made of the punishments which may be inflicted on females, is taken from the proclamation of the Governor of Trinidad of the 23d of June 1824. That proclamation, however, not having defined what interval of time shall intervene between successive punishments, it is necessary to supply the omission, otherwise ill-disposed persons might, under colour of law, inflict punishments of extreme severity, merely by the frequent and early repetition of the same punishment. The punishment of females by suspending marks from the neck, and the use of hand-cuffs are omitted, because they are scarcely susceptible of any previous definition sufficiently accurate to prevent abuses.

Note on Clause 9.—This enactment was introduced into the Proclamation of Trinidad, because some proprietors in that island desired to have distinctly ascertained, that the punishments to be inflicted on females, might legally be applied to the case of male offenders. If experience should prove their efficacy in the one case, it was supposed that they might be equally effectual in the other.

Note on Clause 11.—Persons having a working gang of six Slaves, as well as the owners of plantations, are required by the law of Demerara, to keep a record of punishments. This appears to be an improvement on the Trinidad Order.

Note on Clause, 16.—The assistant protector and guardian of Slaves was permitted in Trinidad, to make his own returns, once in each half year, instead of making them in each quarter, because his personal attendance being necessary for that purpose, more frequent returns would have subjected him to serious inconvenience.

Note on Clause 18.—This Clause, which, in certain cases, raises a presumption of guilt against the owner or manager, does not appear in the Act of the Court of Policy of Demerara. In that colony, such an enactment would be superfluous, if, as is stated, a Slave is in all cases admissible as a witness under the ancient Dutch laws. It would of course be needless to resort to presumptions, when direct legal proof could be adduced.

Note on Clause 23.—The express declaration, that the forfeiture was not to extend beyond the interest which the party convicted might have in the Slave, was introduced at Trinidad in deference to the wishes of the inhabitants; and although such a declaration may appear superfluous, yet it seems most prudent to avoid every possibility of doubt upon a subject so important.

Note on Clause 24.—The suspension of the forfeiture, so far as respects the actual sale of the forfeited Slaves, until his Majesty's pleasure can be known, was introduced in Trinidad, to quiet the apprehensions which the law had there excited. There can be no objection to extending a similar modication to the Bahama Islands, but of course the right of the Crown to the forfeited Slaves must be preserved inviolate, although the exercise of that right be suspended during the reference to England.

No. 4.

My Lord, *New Providence, Bahamas, 29th August,* 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 21st May last, enclosing certain papers, containing the measures in the Trinidad order in council, classed under eight separate heads, with your Lordship's official correspondence on the subject with the Governor of Trinidad, and the Lieutenant-governor of Demerara.

I shall make, without delay, a confidential communication on this subject to the law officers of the crown within this government; and with a view to carry into effect the wishes of his Majesty's government, I have

issued a proclamation, proroguing the Assembly to the 10th day of October next, then to meet for the despatch of business.

I have, &c.,

(Signed) W. VESEY MUNNINGS.

The Right Honourable Earl Bathurst, K. G.

&c. &c. &c.

No. 5.

My Lord, *New Providence, Bahamas, 1st November,* 1826,

I HAVE the honour to state, for the information of your Lordship, that the General Assembly of these Islands met on the 10th instant, and I enclose a copy of my speech at the opening of the Session, of the address of the council, and of the House of Assembly, and of my answer thereto.

Having, agreeably to your Lordship's instructions, caused eight Bills to be prepared, embracing the measures contained in the Trinidad order in council, I sent to the assembly a message, of which I enclose a copy.

On the following day, leave was given to the Attorney-General, on motion, to bring in these Bills, and having been read the first time, they were referred to a committee of the whole House.

The House, this day, in committee on the above Bills, recommended to the House to refer the several eight Bills to a select committee, to report separately thereon, as to the expediency thereof, and the practicability of adopting them or any of them, or any part or parts thereof, within the colony; and the said resolution being read a second time, was, upon the question put thereupon, agreed to by the House.

I cannot, at present, state what will be the result of the deliberations of the House, but I will not fail to give as early information as possible to your Lordship, keeping in view the directions contained in your Lordship's despatch, of the 21st of May last.

I have, &c.,

(Signed) W. VESEY MUNNINGS.

The Right Honourable Earl Bathurst, K. G.

&c. &c. &c.

Speech of the Acting Governor to the Legislature, on the opening of the Session.

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the House of Assembly,

MAJOR GENERAL Grant being still absent, it has again become my duty (and it is a duty which I have much pleasure in performing,) to meet you in general assembly.

As the melioration of the condition of the Slave population, is a matter of the highest importance to us all, I avail myself of the earliest opportunity to communicate to you the unanimous concurrence of the House of Lords in the last session of Parliament, with the resolutions of the House of Commons in May 1823. The concurrence of this august body in these resolutions, will necessarily operate upon our judgment with stronger effect, when we consider that it was given after an interval of two years, during which the question had undergone repeated discussions.

Mr. Speaker, and Gentleman of the House of Assembly,

I have directed the usual estimate and accounts to be laid before you, and I rely on your accustomed liberality for making provision for the exigencies of the colony; for although in consequence of a diversity of opinion which existed as to the construction of the Act of Parliament for the regulating the trade of the British possessions abroad, the commerce of the colony was for a time impeded, the duties collected on the imports

and exports during the year, will, I hope, be found to exceed the average amount of three preceding years.

Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the House of Assembly,

During the progress of the session, I shall take occasion to make known to you more fully, the provisions which must be contained in those laws which may be framed for carrying substantially into effect the resolutions of the two Houses of Parliament; and in the meantime I assure you, that his Majesty will feel a lively interest in the result of your deliberations, and not being disposed to anticipate a continued rejection of the enactments so anxiously looked for by both Houses of Parliament, and by every class of society in the kingdom, his Majesty trusts to your good sense and feeling for the completion of those measures which you have so earnestly been invited to adopt.

Having called you together somewhat earlier than usual, if the session shall not be unavoidably protracted beyond the ordinary period of its duration (and if I can in any degree facilitate your labours I shall most willingly do so), such members of your Honourable Board and Honourable House as reside on the out islands, will be enabled to return to their estates at the time when their presence is more immediately necessary.

(Signed) W. VESEY MUNNINGS.

Council Chambers, 10th October, 1826.

To His Honour William Vesey Munnings, Esquire, President and Commander-in-chief in and over the said Islands, and of the Garrisons there, or that may be sent thither, Chancellor, Vice-Admiral, and Ordinary of the same.

THE ADDRESS OF THE LEGISLATIVE ASSEMBLY OF THE BAHAMA ISLANDS.

May it please Your Honour,

WE his Majesty's dutiful and loyal subjects, the Legislative Council of the Bahama Islands, beg leave to offer your Honour our best thanks for your speech at the opening of the session.

In the absence of our worthy governor, we are happy that the administration of the government still continues to remain in the hands of your Honour.

Sensible of the intense interest which has manifested itself in the mother country on the subject of the melioration of Slavery, and desirous to meet the wishes expressed in the resolutions of both Houses of Parliament thereon, keeping in view the peculiar local state of this colony, we trust your Honour will believe our best endeavours will not be wanting to co-operate, by every means in our power, with the other branches of the legislature, in all such measures as may tend to promote the advantage and prosperity of the Bahama Islands; and when your Honour is pleased to lay before us your further communications on the subject, we shall give them our most earnest consideration.

Not anticipating any protraction of the session, beyond the ordinary period of its duration, we trust it will terminate as well to the satisfaction of his Majesty's government, as to the inhabitants of this colony: and we entertain no doubt whatever of your Honour's co-operation and sincere disposition, which we have at all times experienced during your Honour's administration, to facilitate the weighty affairs committed to our charge, as well as to promote the interest and welfare of the government under your command.

By order of the Board,

(Signed) P. BROWN, President.

Council Chamber, 12*th October,* 1826.

His Honour the President's Answer.

Gentlemen of the Council,

I beg you will accept my sincere thanks for your dutiful and loyal address.

The promise which you have been pleased to make, to co-operate with the other branches of the legislature, in the melioration of the condition of the Slave population, and in promoting the prosperity of the colony, affords me the highest satisfaction; and knowing, from experience, the value of your aid and assistance, I shall enter with greater confidence upon the important business of the session.

(Signed) W. VESEY MUNNINGS.

To his Honour William Vesey Munnings, Esq., President and Commander-in-chief of the Bahama Islands, Chancellor, Vice-admiral, and Ordinary of the same, &c. &c. &c.

The Honourable Address of the House of Assembly.

May it please your Honour,

WE his Majesty's dutiful and loyal subjects, the House of Assembly of the Bahama Islands, beg leave to return your Honour our thanks for your speech at the opening of the present session.

The duty of again meeting us in general assembly, in consequence of the absence of our much lamented governor, having devolved upon your Honour, the House feel confident that your Honour's administration will be directed to promote the welfare of the colony.

The melioration of the condition of the Slave population being considered by his Majesty's government as a matter of the highest importance, in relation to the interests of the West Indies generally, we beg your Honour to be persuaded that we are sincerely disposed to give the subject all that grave attention and consideration which its importance requires.

When the estimates and accounts are laid before us, your Honour may be assured that we will endeavour to make as liberal provision for the exigencies of the colony, as is consistent with the means and abilities of our constituents; and we are happy to learn from your Honour, that the duties on imports and exports are likely to be found to exceed, in this year, the average amount of those of the three preceding years.

We beg leave to assure your Honour, that whatever communications you may be pleased to lay before us shall meet with the most respectful attention.

With every reliance on the promptitude of your Honour's attention to the duties that may devolve upon your Honour during the session, and your ready disposition to co-operate in every measure conducive to the benefit of the colony, we request your Honour to be assured that a like disposition exists on our part to attend to the true interest of the colony, and we trust that the present Session of Assembly will not be protracted beyond the usual period.

(Signed) LEWIS KERR, Speaker.

House of Assembly, 11*th October*, 1826.

His Honour the President's Answer.

Mr. Speaker, and Gentlemen of the House of Assembly,

I RETURN you my best thanks for your loyal and dutiful address.

The assurance which you give, that the melioration of the condition of the Slave population shall receive the grave attention and consideration of the House, leads me to expect the happiest results from your deliberations, because the measures recommended by his Majesty's government will,

I trust, be found to be more worthy of adoption in proportion as they may be more attentively considered and discussed.

(Signed) W. VESEY MUNNINGS.

President's House, 12th October, 1826.

MESSAGE FROM HIS HONOUR THE PRESIDENT TO THE HOUSE OF ASSEMBLY.

Mr. Speaker, and Gentlemen of the House of Assembly,

With reference to my speech at the opening of the session, I now take occasion to inform your honourable House, that Earl Bathurst in his Lordship's despatch to me, of 13th March, 1826, states, that when his Lordship communicated to Major General Grant, the resolutions of the House of Commons in 1823, his Lordship had instructed him to bring under the consideration of the Council and Assembly of the Bahamas, some of the measures which his Majesty's government recommended for improving the condition of the Slave population; that in 1824, an Act had been passed consolidating the Slave laws, and adding to them some beneficial provisions, but executing only an inconsiderable portion of what had been recommended; that his Lordship afterwards communicated to Major General Grant, a copy of the Trinidad order in council, containing, with the others, the further measures which his Majesty's government considered it to be their duty to propose for carrying into effect in his Majesty's colonies, the resolutions of the House of Commons. That the measures recommended in these communications, provided, First, for the improvement of the Slave population; Secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, the means of acquiring their freedom, or that of their families; and on the other hand, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission. That Major General Grant had laid before you this order, that you might proceed in such manner as might appear to you advisable, for taking under your consideration all those several measures, which, under his Lordship's directions, had been further pressed upon your attention; but that his Lordship had not been informed that you had made any progress in them. Upon this point, I beg to apprize the House, that the copy of the Act of the last session, for amending the Consolidated Slave Act, and to which I did not feel myself at liberty to assent, had not at that time been received by his Lordship. In the same despatch his Lordship informs me, that in order to enable me to bring the whole subject under your consideration in a more distinct shape, his Lordship would take an early opportunity of sending out to me all the measures contained in the order of council, classed under separate heads, and accompanied with such explanations as might be necessary, with a view of placing in a clearer light the effect of some of those provisions which his Lordship had reason to believe, had been misunderstood. That on the receipt of this communication, I should take the proper steps for having Bills drawn up for carrying those measures severally into effect, in such manner as might be most conformable to the existing laws of the colony; and that when the Bills had been prepared, I should cause them to be brought under your consideration; so that (being in full possession of all which his Majesty's government contemplated for carrying into effect the resolutions of the two Houses of Parliament) you might have them separately before you, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions, as you may deem expedient.

With a subsequent despatch Earl Bathurst transmitted to me all the measures contained in the Trinidad order in council, classed under separate heads relating to the eight following subjects.—First, The office of protector and guardian of Slaves. Secondly, The admission of the evidence of Slaves, in civil and criminal cases. Thirdly, The manumission of Slaves. Fourthly, The intermarriage of Slaves. Fifthly, The observance of Sunday, and the abolition of public markets on that day. Sixthly, The acquisition of pro-

perty by Slaves, and the establishment of savings banks for the better protection of it. Seventhly, The separation of families under judicial process. And, Eighthly, The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

In this despatch his Lordship directs, that when I had adjusted the shape in which these measures could be most properly brought forward, I should take the most convenient method in my power for introducing them to the consideration of the Legislative Council and Assembly.

Having caused Bills to be prepared by the Attorney-General and Solicitor-General, embracing the foregoing points, and being desirous of proceeding with every regard to your constitutional privileges, I have requested them to move for leave to bring these Bills before your honourable House. You will, I am confident, give to these Bills the most attentive consideration: some of them, such as the Slave Evidence Bill, and the Slave Guardian Bill, may seem to be more important than the others, but they will all, I trust, be found to contain such provisions only as are necessary and proper; and I cannot avoid observing that one of them, the Slave Manumission Bill, appears to me to be of such primary and essential importance, that without its adoption, or the establishment of some such operative principle as is contained in this Bill, the end and object contemplated by the resolutions of the two Houses of Parliament can never be substantially effected.

(Signed) WILLIAM VESEY MUNNINGS.

President's House, Nassau, 11th October, 1826.

No. 6.

My Lord, *New Providence, Bahamas, 8th January*, 1827.

REFERRING to my despatch to your Lordship of the 1st of November last, I have now the honour to enclose for the information of your Lordship, copies of eight several Bills, (enclosures No. 1 to No. 8.) containing the measures embraced in the Trinidad Order in Council, brought by the Attorney-General, before the House of Assembly of these Islands, during the last session.

I regret that it is not in my power to transmit by this opportunity the Report of the Attorney-General and Solicitor-General, on the form and structure of these Bills; but in the absence of that document, I have still deemed it proper to make your Lordship acquainted with the measures which were subsequently adopted by the House.

These Bills, after they had been referred to a select Committee, were rejected by the House, and the reasons assigned will appear at length in the Report herein enclosed of the 14th of November last, (enclosure No. 9.)

The Committee, however, recommended that a Bill should be brought in to amend the Consolidated Slave Act, and pointed out the Clauses which such Bill should contain.

In pursuance of the recommendation of the Committee, a Bill was afterwards brought in to amend the Consolidated Slave Act, which after various amendments, was passed by the House and the Council, and assented to by myself, in the form in which it will appear to your Lordship in the enclosure herein, marked No. 10.

No Protector of Slaves is appointed by this Act, and I must leave this omission to rest upon the reasons assigned in the Report of the Committee, after adding that in the two most populous islands in this government, New Providence and the Turk's Islands, the residence of the Governor, Judges, Attorney-General, and Police Magistrate at the former; and of the Police Magistrate and other Justices of the Peace at the Turks Islands, will, I trust, at all times prevent any injury done to a Slave, from passing unnoticed and unredressed.

To what extent provision has been made for the other measures contained in the Trinidad Order in Council; (namely, The punishment of Slaves—the evidence of Slaves,—the marriages of Slaves—separation of Families—abolition of Sunday Markets—property of Slaves, (including chests of deposit with the Receiver-General and Treasurer—and manumis-

sion of Slaves) will appear to your Lordship upon reference to the Act, the marginal abstract of which I have, I hope, made so full, as to comprise clearly the substance of the Act. It will, I trust, afford satisfaction to your Lordship, that by the provisions of this Act, all sales, bequests, and conveyances, for the purpose of separating families, contrary to the Act of 4th George IV. cap. 6., are declared to be null and void, and that all manumissions are still held to be valid, notwithstanding the incapacity for labour of the person manumitted, from sickness, age, or infirmity; the manumittor, however, in such case remaining liable for the maintenance and comfort of the manumitted person.

The abolition of the Sunday market, is, in my opinion, sufficiently complete; the noise, confusion, and dissipation, which prevailed at the Sunday markets at the more populous Islands of the West Indies, never took place in the market of Nassau. Your Lordship will, however, perceive that the labour of Slaves on Sundays is not prohibited, although the Committee recommended the introduction of such a clause.

The omission may have arisen from this circumstance, that the labour of Slaves on Sundays, has never been enacted in this colony, except in the case of domestic servants, and I remember, that so long since as the year 1804, an indictment was preferred in the General Court, against a planter at Long Island, for employing his Slaves in the field on Sunday.

It will not escape your Lordship's observation, that the punishment of females by flogging is still continued, with this qualification, however, that the presence of male persons, except the owner and person inflicting the punishment, is prohibited.

In that part of the Bill which relates to the manumission of Slaves, I am sorry that the 51st section has been introduced, preventing the manumission of children under the age of fourteen years, without the consent of the owner. And as regards the evidence of Slaves, as clergymen only can give certificates of competency, those Slaves only can obtain them who are living at New Providence and the Turk's Islands, where clergymen reside. At the same time, however, as I consider the gradual abolition of Slavery, commencing from the period when a Slave can purchase his own freedom, and is allowed to give evidence, I was glad to find provisions on these points, although in this limited form.

As the Slave code of this colony will now be comprised in the Act upon which I have made these observations, and in the Act to which it is an amendment, I have thought it proper to transmit to your Lordship in the enclosure No. 11, a copy of the amended Consolidated Slave Act of the fourth of George IV., cap. 6, and I have noticed in the margin of the latter Act, those parts which have been suspended or amended by the Act of the last session.

I shall trouble your Lordship with only one more observation. In the 7th section of the late Act, free persons of colour are liable to a fine to a limited amount, and in case of non-payment of it to imprisonment for a limited period, for using threats of unlawful violence, or any scandalous or abusive language to a white person. I could have wished that this clause had been left out of the Act; but as punishment by flogging was not insisted on, and as free persons of colour have got rid of some old obnoxious Acts which were in force against them, as your Lordship will perceive by the suspension of them in the first clause of the Act, I do not deem the insertion of the seventh clause an objection sufficiently strong to prevent my assenting to the Act. I have, &c.

(Signed) WM. VESEY MUNNINGS.

The Right Hon. Earl Bathurst, .K .G
&c. &c. &c.

(No. 1.) A Bill for establishing within the Bahama Islands an Officer to be called "The Protector and Guardian of Slaves."

WHEREAS it is expedient that an officer for the protection and guardianship of Slaves should be established within the Bahama Islands: Be it

enacted by his Honour William Vesey Munnings, Esquire, President and Commander in Chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, there shall be within the said Bahama Islands an officer to be called "The protector and guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and that such appointment shall be made by a warrant to be issued under his Majesty's signet and sign manual.

2.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall establish and keep a public office in the town of Nassau, in the Island of New Providence; and shall attend there on such days, and during such hours of the day as the governor and commander in chief for the time being of the said Islands, by any general or special order to be by him from time to time for that purpose issued, shall appoint; and that he shall at such office, and not elsewhere, keep, deposit, and preserve all public records, books, and papers in anywise relating to his said office. And that he shall, from time to time and at all times, perform the duties of his said office in person, and not by deputy, excepting only in those cases in which the said governor or commander in chief is, or shall be, expressly authorized and empowered to appoint a deputy for that purpose.

3.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall be at all times resident within the colony, and shall not quit the same without a special license or leave of absence to be granted to him for that purpose by his Majesty, through one of his principal secretaries of state, or by such governor or commander in chief for the time being. And that no such license or leave shall in any case be granted by any such governor or commander in chief for any period exceeding at any one time, nor until it shall have been first made to appear to such governor or commander in chief, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of such protector and guardian of Slaves.

4.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall not be the owner or proprietor of any plantation situate within the said islands, or of any Slaves or Slave employed or worked upon any such plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slaves, or Slave. And that he shall not be competent to act as, or to be the manager, overseer, agent, or attorney of, for, or upon any plantation within the said islands, or as the guardian, trustee, executor, or administrator of any person having any such plantation, or any Slaves or Slave. And in case any such protector and guardian of Slaves within the said islands shall have, hold, acquire, or possess, either in his own right, or in right of his wife, or in trust for any other person or persons, any plantation situate within the said islands, or any Slaves or Slave employed or worked upon any such plantation, or in any kind of agriculture; or any share or interest in, or any mortgage or security upon, any such plantation, Slaves or Slave; or shall act as such manager, overseer, agent, attorney, guardian, trustee, executor, or administrator as aforesaid, he shall thenceforth, *de facto*, cease to be such protector and guardian of Slaves as aforesaid, and forfeit his office: Provided always, that all and every the Act and Acts, which from time to time shall or may have been done by or under the order of any such protector and guardian of Slaves, after any such avoidance and forfeiture as aforesaid of his said office, and before the same shall, by public notice in the Royal Gazette of the colony, or other public advertisement, be declared to be avoided and void, shall be (and the same are hereby declared to be) as valid and effectual, to all intents, constructions, and purposes in the law whatsoever, as if no such avoidance of office had ever taken place.

5.—And be it further enacted by the authority aforesaid, that in case of the death of any such protector and guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension

from office, or of his temporary absence from the said islands, it shall and may be lawful to and for the said governor or commander in chief for the time being, to nominate and appoint some other fit and proper person to act as the deputy protector and guardian of Slaves within the said islands, until his Majesty's pleasure shall be known thereon: Provided always, that the person so to be appointed as deputy protector and guardian as aforesaid, shall, if in all other respects qualified for that office, be selected from those who are neither proprietors of Slaves, nor have any interest in Slave property, unless it shall be impossible to find a fit and proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case it shall be the duty of the said governor or commander in chief for the time being, to transmit to his Majesty's principal secretary of state, having the department of the colonies, a statement of the peculiar circumstances justifying the departure from the general law.

6.—And be it further enacted by the authority aforesaid, that the said protector and guardian (or deputy protector and guardian) of Slaves, before he enter upon the execution of his said office, shall appear before the governor or commander in chief for the time being of the said islands, and in his presence take and subscribe an oath in the following words, *viz.*— "I, A. B., do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian (or deputy protector and guardian, as the case may be) of Slaves, in the Bahama Islands, without fear, favour, or partiality.—So help me God."

7.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the governor or commander-in-chief for the time being of the said islands, to appoint some fit and proper person on each and every of the islands or quays hereinafter mentioned, *viz.*

and on every such other island or quay within the colony, as from time to time, by and with the advice and consent of his Majesty's counsel for the said islands he may think fit, to be the assistant protector and guardian of Slaves for every such island or quay, or other island or quay respectively. And that all such assistant protectors and guardians shall, in and within their several and respective districts, be aiding and assisting the protector and guardian (and deputy protector and guardian) for the time being in the execution of the duties of his office; and shall for that purpose obey and carry into execution all such lawful instructions as from time to time they may receive from him in reference to such duties or any of them: Provided always, that every such assistant protector and guardian shall hold his said office during his Majesty's pleasure, and that he shall be a person named in the commission of the peace for the said Bahama Islands.

8.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves to be appointed by virtue of this Act, shall be entitled to have and receive out of the public treasury of these islands, a salary at and after the rate of of lawful money of the said islands per annum, and every such deputy protector and guardian shall be entitled to have and receive a salary at and after the rate of of like money per annum; and to each and every of the several assistant protectors and guardians for the islands or quays hereinafter mentioned, there shall be allowed and paid the following salaries, to wit, to the assistant protector and guardian of Slaves for the island of a salary at and after the rate of , of like money per annum, To the assistant protector and guardian of Slaves for the island of a salary at and after the rate of of like money per annum, To , and to every other assistant protector and guardian for any other island or quay within the colony, whom the governor or commander-in-chief for the time being hereafter shall appoint by virtue of this Act, such salary or allowance (not exceeding in any case the sum of £ of like money per annum, nor less than £) as the said governor or commander-in-chief, by and with the advice and consent of the aforesaid council shall appoint: Provided always, that

from and immediately after the day of the date of the appointment of any deputy protector and guardian by reason of the sickness or temporary absence from the colony of the protector and guardian of Slaves, every such protector and guardian, until he shall have again returned to and be in the actual personal discharge of the duties of his office shall, instead of the salary of £ per annum above mentioned, be entitled to a salary, at and after the rate of £ per annum, and no more; subject nevertheless to the restrictions contained in an Act of the General Assembly of these islands, made and passed in the thirty-seventh year of the reign of his late Majesty, entitled "An Act requiring the actual Residence in these Islands of Officers receiving Colonial Salaries."

9.—And be it further enacted by the authority aforesaid, that the said salaries, and each and every of them, shall be (and the same are hereby declared to be) in lieu of all fees, perquisites of office, advantages and emoluments whatsoever. And if any such protector and guardian of Slaves, or deputy, or assistant protector and guardian, shall receive or take directly or indirectly, any fee, perquisite of office, advantage, or emolument whatsoever, other than such his said salary, for, or in respect of any act, matter, or thing, done or to be done by him, in or about the execution of his said office, every such protector and guardian, or deputy or assistant protector and guardian so offending, shall incur and become liable to a fine equal to the amount of the sum which he may have so taken, and shall become disqualified from holding such his office.

10.—And be it further enacted by the authority aforesaid, that in all actions, suits, and prosecutions, hereafter to be commenced in any court of justice within the colony in which any person or persons may be charged with the murder of any Slave, or with any offence against the person of any Slave, it shall be the duty of the said protector and guardian of Slaves (or deputy protector and guardian for the time being) to attend and act as the public prosecutor, and to be present at the trial or hearing, and all other the proceedings in every such action, suit, or prosecution; and to assist therein by all such lawful ways and means as he may deem necessary: Provided always that nothing herein contained shall extend, or be construed to extend, to prevent the attorney-general (or in his absence the solicitor-general) for the time being of the said islands, from acting in all such actions, suits, and prosecutions, in manner and form as hath heretofore been done by him; or to prevent the owner or owners of the deceased or injured Slave from employing, at his, her, or their cost and charge, any counsel, solicitor, or attorney, whom he, she, or they, may think fit, to be aiding and assisting at any such action, suit, or prosecution.

11.—And be it further enacted by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each year, the protector and guardian of Slaves, or deputy protector and guardian for the time being, shall deliver to the governor or commander-in-chief of the said islands, a report in writing, exhibiting an account of the manner in which the duties of the said office have been performed by him during the half year next preceding the date of such report, and stating especially the nature and number of all prosecutions, in which he or his said assistant may have acted as the protector or protectors of any Slave or Slaves, with the date and effect of all proceedings therein, together with all such other necessary particulars as shall or may be required to be stated therein, by any other Act or Acts of the General Assembly of the said islands; and the said governor or commander-in-chief shall thereupon administer to the said protector and guardian, or deputy protector and guardian, an oath that such his report contains a true and correct statement of the several matters and things therein referred to;—and when and so soon as the same shall have been so delivered and sworn to, then, and not before, it shall and may be lawful for the said governor or commander in chief to issue to such protector and guardian, or deputy protector and guardian, and to every assistant protector and guardian respectively, a warrant or warrants upon the public treasury of the said islands, for the amount of their several and respective salaries for the half year next immediately

preceding the date of such report, which said report the said governor or commander in chief shall, and he is hereby required to, transmit by the first convenient opportunity, to his Majesty's principal secretary of state having the department of the colonies.

12.—And be it further enacted by the authority aforesaid, that if any protector and guardian of Slaves, or deputy or assistant protector and guardian, or other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any book, record, or return, which under and by virtue of this or any other Act or Acts of the General Assembly of the said islands he may be required to keep, or shall wilfully falsify any such book, record or return, or shall wilfully make, or cause or procure to be made, any false entry therein, or shall wilfully and fraudulently burn, cancel, obliterate, or destroy the same, or any part thereof, every person so offending, shall incur and become liable to a fine of not less than of lawful money of the said islands, nor more than ; or to imprisonment for any time not exceeding nor less than ; or both fine and imprisonment at the discretion of the court.

13.—And be it further enacted by the authority of the same, that all offences against the provisions of this Act, and all fines, forfeitures, and penalties thereby imposed, shall be prosecuted and sued for in the General Court of these islands in the name of the King, by action of debt, bill, plaint, or information; and that the amount of any fine or pecuniary penalty so incurred, shall be paid and payable in equal moieties, one moiety to his Majesty, and the other moiety to the informer, or to him, her, or them, who shall sue therefor.

14.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, and deputy protector and guardian of Slaves, and assistant protector and guardian of Slaves, hereafter to be appointed under and by virtue of this Act, shall respectively execute and perform all such other duties as shall or may be imposed upon or required of him or them respectively, in or by any other Act or Acts of the General Assembly of the said islands, passed or to be passed during the present or any future session.

15.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No. 2.) A Bill to regulate the Admission of Evidence of Slaves.

WHEREAS it is reasonable and expedient that the evidence of Slaves should hereafter be admitted and received in the several courts of civil or criminal justice within the Bahama Islands, subject nevertheless to the qualifications, restrictions, and regulations hereinafter mentioned: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, and every other person being a public teacher of religion within the colony, and carrying on no other business or occupation there with a view to profit, except that of a schoolmaster, shall be and is hereby authorized to transmit or deliver under his hand to the protector and guardian, or deputy protector and guardian for the time being, of Slaves for the said islands, at his office in Nassau, or to the assistant protector and guardian of Slaves for the island, quay, or district, on or within which such clergyman, minister, priest or teacher may be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; and every such assistant

protector and guardian to whom any such certificates shall have been so transmitted or delivered, shall by the first convenient opportunity after the receipt thereof, transmit the same to the said protector and guardian, or deputy protector and guardian at Nassau, aforesaid, who shall forthwith register the same in a book to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, and of every Slave mentioned and included therein: Provided always, that no such public teacher of religion not being a clergyman of the church of England, or a minister of the kirk of Scotland, shall be competent to grant any such certificate unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or commander-in-chief for the time being, of the said islands, shall have first granted to such public teacher a written license to issue such certificates, and unless such license shall continue to be in force at the time of the signing of any such certificate, and shall have been first duly registered at the office of the protector and guardian of Slaves.

2.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered as imcompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, by reason of his or her being in a state of Slavery, if the person or persons by whom such Slave may be produced and tendered as a witness, shall also produce and exhibit to the court a certificate under the hand of the said protector and guardian, or deputy protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book. And the said protector and guardian, or deputy protector and guardian for the time being, shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book: Provided always, that no person being in a state of Slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, or in any case wherein a white person may be charged with, or prosecuted for, any offence punishable with death: Provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in the law in any case, in which such Slave would be incompetent to give evidence if he or she were a white person, or to detract, take away from, or diminish any power or authority which any court of criminal justice within the said islands, now already hath to admit in any case the evidence of persons being in a state of Slavery.

3.—Provided nevertheless, and be it further enacted by the authority aforesaid, that no Slave to be admitted as a witness under and by virtue of this Act, shall be allowed to give evidence of any fact whatever which may have been committed, or be alleged to have been committed, at any time previous to the passing of this Act, anything herein contained to the contrary notwithstanding.

4.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall include therein a statement of the name of every Slave who during the half year next preceding the date of any such report, has, in manner and form aforesaid, been certified as competent to understand the nature and obligation of an oath.

5.—And be it further enacted by the authority aforesaid, that nothing in this Act shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No. 3.) A Bill to Regulate the Proceedings for the Manumission of Slaves, and to enable them under certain Restrictions to purchase their own Freedom.

WHEREAS it is necessary that proceedings for the manumission of

Slaves should be regulated by law, and that persons being in a state of Slavery should be enabled, under certain restrictions, to purchase their own freedom: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, no duty, or tax, or fee of office whatsoever, shall be paid or payable within the said islands, upon, for, or in respect of the manumission of any Slave, or the enrolment of any deed of manumission, save and except a fee, not exceeding the sum of of lawful money of the said islands, which shall be paid by the protector and guardian of Slaves for the said islands, or deputy protector and guardian for the time being, to the public secretary and registrar of records thereof, for the enrolment of any such deed of manumission; and to such protector and guardian, or deputy protector and guardian, to be repaid by the public treasurer out of the general revenue of the colony. And if any person within the said islands shall hereafter take, demand, or receive any such duty, tax, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding , and not less than , of lawful money of the said islands, to be recovered and applied in manner hereinafter directed.

2.—And be it further enacted by the authority aforesaid, that if any person being in a state of Slavery within the said islands, shall be desirous to purchase his or her freedom, or the freedom of the wife or husband, or child, or brother or sister, or reputed wife, or husband, or child, or brother, or sister of any such Slave, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of herself or of any such other person as aforesaid.

3.—And be it further enacted by the authority aforesaid, that if the owner of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon, or interest in any such Slave being vested in any other person or persons, be unable to execute a good and valid manumission of any such Slave, or if the owner, or any other person having an interest in such Slave shall be a minor or a married woman, or a lunatic, or if the owner of the said Slave be absent from the colony, or shall not be known, or if any suit or action be depending in any court of justice within the said islands, wherein the title to the said Slave, or the right to his or her services be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom any sum, which, in the judgment of the said protector and guardian, or deputy protector and guardian for the time being, shall exceed the real value of such Slave, then and in every such case, the chief justice for the time being of the colony, or other person executing the duties of that office, on application to him for that purpose made by the said protector and guardian, or deputy protector and guardian, shall issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be, to appear before him by themselves, their agent or agents, at some convenient time and place, to be for that purpose therein appointed, and notice of the said time and place for that purpose so appointed as aforesaid, shall thereupon be published by the said protector and guardian, or deputy protector and and guardian, in the public gazette of the said islands on different days successively; and in every such notice all persons having, or pretending to have, or claim any right, title, or interest of, in, or to the said Slave, either in their own right, or as the guardians, attornies, trustees, executors, or administrators of any other person or persons, shall be required to attend and prefer such their claim or claims.

4.—And be it further enacted by the authority aforesaid, that at the time and place so to have been appointed for any such meeting as aforesaid, the said chief justice, or other person as aforesaid, in the presence of the said protector and guardian, or deputy protector and guardian, and also in the presence of the owner or manager of the Slave so proposed to be manumitted, or (upon proof being made to him, upon oath, of the due

service of such summons, and the publication of such notices as aforesaid then, if necessary) in the absence of such owner or manager, shall proceed to hear in a summary way what may be alleged by the said protector and guardian, or deputy protector and guardian, and by the owner or manager or other person or persons claiming any interest in the said Slave.—And in case the parties or any of them, shall then and there refuse to effect any such manumission, or if it shall appear to the said chief justice, or other person as aforesaid, that a good and valid manumission of such Slave cannot legally be effected by private contract, or that the owner of such Slave, or any person having any charge upon, or interest in him or her, is a minor, or a married woman, or idiot, or lunatic,—or that the true owner of such Slave, or any person having any charge upon, or interest in him or her, is absent from the colony, or is unknown, or cannot be found, or that any suit or action is depending in any court of justice within the colony, wherein the title to such Slave or the right to his or her services is in controversy, or if it shall appear to the said chief justice, or such other person as aforesaid, that any difference of opinion exists between the said protector and guardian, or deputy protector and guardian, and the owner of the said Slave respecting his or her real value, then, and in every such case, the said chief justice, or such other person as aforesaid, shall require the said protector and guardian, or deputy protector and guardian, and the owner, manager, or person having the direction of such Slave, each to nominate an appraiser of his or her value. And the said chief justice, or such other person as aforesaid, shall himself nominate an umpire between such appraisers. But in case the owner, manager, or other person having the direction of such Slave shall not appear, or appearing shall neglect or refuse to nominate an appraiser of the value of such Slave, then the said chief justice (or such other person as aforesaid,) and the said protector and guardian, (or deputy protector and guardian,) shall each nominate an appraiser of the value of the said Slave; and the governor, or commander-in-chief for the time being, upon reference to him in writing for that purpose made by the said chief justice, (or such other person as aforesaid,) and the said protector and guardian, (or deputy protector and guardian,) shall nominate an umpire between such appraisers.) And the said appraisers being first duly sworn before the said chief justice, or such other person as aforesaid, to make a fair and impartial appraisement, shall within
days next after such their appointment, make a joint valuation of the said Slave, and shall certify the same to the said chief justice, or such other person as aforesaid, under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice, or such other person as aforesaid within the said term of days, then the said umpire being first duly sworn in manner aforesaid, shall within the next days certify his valuation under his hand and seal to the said chief justice, or such other person as aforesaid, and the valuation to be so made in manner and form aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be, and the same is hereby declared to be, binding and conclusive, and shall be entered and enrolled in the said office of public registry of the colony.

5.—And be it further enacted by the authority aforesaid, that upon payment to the said public treasury of the appraised value of any such Slave as aforesaid (after making such deduction therefrom for the expense of the appraisement, as is hereinafter directed), the said treasurer shall grant to the said protector and guardian, or deputy protector and guardian for the time being, a receipt for the money that may have been so paid in, which said receipt, together with a declaration under the hand and seal of the said chief justice, or such other person as aforesaid, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money hath been so paid, had been duly had before him, shall, in like manner, be entered and enrolled in the said office of public registry of the colony; and thereupon the said Slave shall be, and be deemed, taken, and reputed to be, enfranchised and free to all intents and purposes whatsoever.

6.—And be it further enacted by the authority aforesaid, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the

authority of the chief justice for the time being, or such other person as aforesaid, on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; but if no such application shall be made, then such money shall remain in the hands of the said treasurer, at interest, at and after the rate of pounds per centum per annum, such interest to be borne by and defrayed out of , and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said treasurer, and the interest, from time to time accruing, due therefrom, shall be the property of the person or persons who was or were the owner or owners of such manumitted Slave, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, claims, and demands of what nature or kind soever as such Slave was held upon, under, and subject to, at such the time of his or her manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the said chief justice, or such other person as aforesaid for the time being may, upon a summary application of any person interested therein, see fit to make. And such principal, money, and interest, shall by the said treasurer be paid, applied, and disposed of, in pursuance of and obedience to any such order.

7.—And be it further enacted by the authority aforesaid, that in all cases where any such appraisement of a Slave shall be made by reason of the refusal of the owner to effect the manumission of such Slave, or by reason of any difference of opinion between the said owner and the said protector and guardian, or deputy protector and guardian, respecting the price or value of such Slave, or by reason of the inability of the owner to effect a good and valid manumission by private contract, or by reason of the minority, coverture, idiocy, or lunacy of the said owner; or by reason of the absence from the colony of the said owner or other person having a charge upon or interest in the said Slave; or by reason that the said owner is unknown, or cannot be found; or by reason of the pendency in any court of justice within the said colony, of any suit, or action, wherein the title to the said Slave, or the right to his or her services is in controversy, then, and in every such case, the expenses of the said appraisement shall be equally borne by and between the Slave so proposed to be manumitted, and the owner of such Slave, or other person having a charge upon, or interest in him or her; and the portion of the amount so made payable by such owner or other person as aforesaid, shall be deducted from the money arising from the manumission of such Slave before any such payment or instalment thereof as aforesaid.

8.—And be it further enacted by the authority aforesaid, that before the manumission of any Slave by virtue of any private contract for that purpose made between such Slave and his or her owner, notice of such intended manumission shall be given in writing, by the owner of such Slave, to the protector and guardian of Slaves, or deputy protector and guardian for the time being, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian, or deputy protector and guardian, shall also, without fee or reward, prepare the proper deed of manumission, which shall be executed in the presence of the said protector and guardian, or deputy protector and guardian, or some other proper witness to be by him appointed for that purpose; and the same being so executed, shall by such protector and guardian, or deputy protector and guardian, be enrolled or recorded in the aforesaid office of public registry of the colony, within one calendar month next after the execution and delivery thereof to, or receipt by the said protector and guardian, or deputy protector and guardian. And in case any such deed shall not have been left for enrolment or registration at the said office within the said period of one calendar month next after the delivery or receipt thereof as aforesaid, the protector and guardian, or deputy protector and guardian, by whom any such default shall be made, shall incur and become liable to a fine not exceeding , nor less than of lawful money aforesaid.

9. And be it further enacted by the authority aforesaid, that in case any such deed of manumission as aforesaid, shall be executed voluntarily, and without any valuable consideration passing to the person effecting such manumission, every Slave so proposed to be manumitted, shall, before the execution of any such deed, appear before the protector and guardian, or deputy protector and guardian of Slaves, or before the assistant protector and guardian of Slaves for the island or quay on which such Slave may happen to be resident; and if it shall appear to the said protector and guardian, or deputy, or assistant protector and guardian (as the case may be), that the Slave about to be so gratuitously manumitted is under the age of years, or above the age of years, or labouring under any habitual disease, or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver, under his or her hand and seal, a bond to his Majesty in the penal sum of of lawful money aforesaid, with condition thereunder written for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained until the age of years, in the case of an infant; or during the term of his or her natural life, in the case of any adult above the age of years; or infant or adult labouring under any such disease or infirmity as aforesaid. And no such voluntary manumission shall be valid and effectual in the law, or shall be received for enrolment or registration at the aforesaid office of public registers until such bond as aforesaid shall have been duly executed and registered, and deposited at the said office.

10.—And be it further enacted by the authority aforesaid, that all fines or pecuniary penalties imposed under or by virtue of this Act, shall be sued for, prosecuted, and recovered in the name of the King, in the General Court of the said islands, by action of debt, bill, plaint, or information, and that the amount so recovered shall be paid and payable in equal moieties; one moiety to his Majesty, and the other moiety to the informer, or him, her, or them, who shall sue or prosecute for the same.

11.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander in chief of the colony, shall include therein a statement of the names of all and singular the Slaves who may have been manumitted under the authority of this Act, during the half year next preceding the date of such report.

12.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known and his assent obtained thereto.

(No. 4.) A Bill to further regulate the Celebration of Marriages, between Slaves, and between Slaves and Persons of free Condition, and for declaring such Marriages valid and effectual in the Law, and to suspend certain Parts of an Act, made and passed in the fourth Year of the Reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

WHEREAS it hath been deemed expedient that the celebration of marriages between Slaves and persons of free condition, should be further regulated, and that the several provisions and enactments thereunto relating should be consolidated and brought into an Act or Law: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander in chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act so much and such parts of an Act made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several

Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes," as relate to marriages between Slaves, and between Slaves and persons of free condition, be, and the same are hereby declared to be, suspended during the continuance of this Act.

2.—And be it further enacted by the authority aforesaid, that any persons being in a state of slavery within these islands, and any Slave and person of free condition within the said islands, who may be desirous to intermarry, shall at their election apply to the protector and guardian, or deputy protector and guardian for the time being, of Slaves within the said islands, or to the assistant protector or guardian of Slaves for the island or quay on which the womam may be resident for a marriage license, and as an authority to such officer to grant the same, shall produce the consent in writing of the owner or owners, manager or managers of every such Slave to the celebration thereof.

3.—And be it further enacted by the authority aforesaid, that if the owner or owners, manager or managers, of any such Slave or Slaves, shall refuse to consent to any such marriage, and to give such written permission for the celebration thereof as aforesaid, then, and in every such case, it shall and may be lawful for the said protector and guardian, or deputy, or assistant protector and guardian, as the case may be, to issue a summons under his hand and seal requiring the owner or owners, manager or managers, of every such Slave, or the person or persons under whose direction such Slaves or Slave may be, to appear before him by themselves or their agents at some convenient time and place to be for that purpose therein appointed (such time being not more than days, nor less than days distant from the time when such application as aforesaid, shall have been first received by such protector and guardian, or deputy or assistant protector and guardian as aforesaid). And if any such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear accordingly before the said protector and guardian, or deputy or assistant protector and guardian, or appearing shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well being of the said Slaves or Slave, then and in every such case the said protector and guardian, or deputy or assistant protector and guardian, shall without fee or reward, issue a license under his hand and seal for the celebration of such marriage.

4.—And be it further enacted by the authority aforesaid, that in and by every license so issued, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands, carrying on there no other business, profession, or occupation, with a view to profit except that of a schoolmaster (or in case there shall be no such clergyman, minister, or public teacher of religion in the island or quay whereat such marriage is to be celebrated, then any justice of the peace there), shall be authorized to solemnize the marriage of such Slaves, or of such Slave and free person.

Provided always, that no public teacher of religion not being a clergyman of the church of England or a minister of the kirk of Scotland, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state having the department of the colonies, or the governor, or the commander-in-chief for the time being, of the said Bahama Islands, shall have first granted to such public teacher a written license to celebrate marriages, nor unless such license shall have been duly registered in the office of the said protector and guardian of Slaves at Nassau, and shall continue to be in force at the time of his being so authorized to celebrate any such marriage.

5.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or justice as aforesaid, upon and after the receipt of any such license, forthwith to solemnize any such marriage as aforesaid; and the same when so solemnized shall be, to all intents, constructions, and purposes whatsoever, binding, valid, and effectual in the law: Provided nevertheless that no such marriage shall confer or be construed to confer on any such Slaves

or Slave, or on his, her, or their issue, any right or rights inconsistent with the duties which shall or may be owing by the said Slaves or Slave to his, her, or their owner or owners, or to the government; or be at variance with those rights which the owner or owners, and the government respectively, are by law entitled to assert and exercise over such Slave or Slaves and their progeny.

6.—And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized, by virtue of any such license as aforesaid, shall, within after any such solemnization, transmit (under a penalty of not more than of lawful money of the said islands, nor less than of like money for every refusal and neglect) a certificate of such solemnization to the protector and guardian of Slaves, or deputy protector and guardian for the time being at his office in Nassau. And such protector and guardian or deputy protector and guardian, shall register in a book to be kept by him for that purpose, every marriage which may have been so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing every such marriage.

7. —Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to render any marriage between persons in a state of slavery, or between a Slave and a person of free condition, valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

8.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report, to be half-yearly made by him to the governor, or commander in chief of the colony, shall include therein a statement of the number of licenses which may have been so granted by him during the half-year next preceding the date of any such report, for the marriage of any Slaves, or of any Slave and person of free condition, with the number of all such marriages that may have been so solemnized by virtue or in pursuance thereof.

9.—And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be construed or understood to take effect, or be of any force or virtue until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No. 5.) A Bill for the Suppression of Public Markets on Sunday, and the preventing Slaves from being compelled to labour on that Day.

WHEREAS it is expedient that all merchandising on the Lord's day should be prohibited by law, to all degrees and descriptions of persons within the Bahama Islands: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, all persons of free condition, who, on any Sunday after the hour of of the clock in the forenoon, shall expose any goods, wares, or merchandises, or other effects whatsoever, for sale, in any public market, or in any shop, house, stall, store, or booth; or shall buy or sell any such goods, wares, merchandises, or other effects; or shall attend at any such public market, shall be liable to such and the same punishment, penalties, and forfeitures, as by any law or laws now in force within the realm of England, may be inflicted upon or incurred by any person or persons in like case offending; and if any such offence shall be committed by a Slave, every Slave so offending shall be liable to forfeit the said goods, wares, merchandises and effects, and the same shall and may be seized by the clerk of the market, or any constable, and shall be taken on the following day before any justice of the peace, who upon view thereof shall order the

same to be sold forthwith, and the proceeds to be applied as follows: that is to say, one third to the informer, and the remainder to such pious and charitable purposes as such justice shall direct.

2.—And whereas his Majesty hath been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves within the said islands, and it will be proper and necessary, so soon as such his Majesty's said intentions can be carried into effect, that Sunday markets should be utterly abolished within the said islands: Be it therefore enacted by the authority aforesaid, that from and after the time when Sunday markets shall be totally suppressed therein, in manner hereinafter mentioned, such and the same punishments, penalties and forfeitures, as by any such law or laws as aforesaid now in force within the realm of England, may be inflicted upon or incurred by any person or persons in like case offending, and may thenceforth and thereafter be inflicted upon and incurred by all persons who, at or during any part of the day called Sunday, shall expose for sale, or buy or sell any such goods, wares, merchandises, or effects whatsoever, in any public market, or in any shop, house, stall, store, or booth, or who shall attend at any such market.

3.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the governor or commander in chief for the time being of the said islands, (and he is hereby required) in obedience to any instructions which may for that purpose be issued by his Majesty, through one of his principal secretaries of state, to issue a proclamation for the discontinuance of all markets on a Sunday throughout the said islands; and as soon as such proclamation shall have been so issued, all Sunday markets shall forthwith cease and be abolished, and become and be absolutely unlawful: Provided nevertheless that nothing herein contained shall extend or be construed to extend to prevent or prohibit the dressing or selling of meats in inns or victualling houses, or the sale of fish or milk: Provided that such sale shall not take place in any town or parish during the hours appointed and set apart for the celebration therein of divine service, or the sale of medicines during any part of Sunday.

4.—And be it further enacted by the authority aforesaid, that if any person or persons within the said islands, shall work or employ any Slave at any time between the hours of ten of the clock at night on any Saturday, and sunrise on any Monday, or shall during the period aforesaid, procure, induce, or compel any Slave to perform or engage in any labour for the profit and advantage of his or her owner, manager, or employer, or shall receive to work or hire, any Slave between the before-mentioned hours of ten of the clock on Saturday night, and sunrise on Monday morning for wages or any other consideration, then and in every such case the person or persons so offending shall incur and become liable to a fine not exceeding £ , or less than £ of lawful money of the said islands.—Provided nevertheless that nothing herein contained shall extend or be construed to extend to any work or labour performed or to be performed by any Slave on Sunday, in the necessary attendance on the person or in the family of his or her owner or employer, or to labour performed or to be performed in the necessary preservation of the cattle or other live stock upon any plantation, or to labour performed or to be performed by any Slaves as watchmen on any plantation or estate, or in nursing or attending the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage to the property of his or her owner or employer; and no Slave so employed or to be employed shall be entitled to have, demand, or receive any hire or wages for any such services.

5.—And be it further enacted by the authority aforesaid, that in any case wherein it shall be absolutely necessary for the preservation of the crops or produce, upon any plantation or estate within the said islands, and for the prevention of essential injury thereto, to work and and employ thereupon any Slaves or Slave between the hours of ten of the clock on any Saturday night, and sunrise on any Monday morning; and if such Slaves or Slave shall in any such case voluntarily consent and agree to

work between the hours aforesaid upon any such plantation or estate for the purpose aforesaid, nothing in this Act contained shall extend or be construed to extend to prevent any such Slaves or Slave from hiring themselves, himself, or herself to their, his, or her owner, or to any other person to work upon any such plantation or estate between the hours aforesaid. Provided always that no such Slaves or Slave shall or may be lawfully so hired to work during the hours aforesaid in the service of any other person except their, his, or her owner or manager, unless with the special consent in writing of such owner or manager.

6.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being, shall by due public notice to be for that purpose given by him in the public Gazette of the colony on the twenty-fifth day of December and twenty-fourth day of June, or so soon after those days as any such Gazette may be published in each year, signify the lowest rate of wages at which Slaves during the period of six calendar months next ensuing the date of every such notice, may hire themselves either to their respective owners or managers, (or with the consent of their respective owners or managers,) to any other person or persons to work for the preservation of the crops or produce of any plantation or estate, or for the prevention of essential injury thereto. In all which said notices there shall be stated the different rates of wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field Negroes or Artificers; and no hiring of any Slave for any such special purpose as aforesaid shall be a legal hiring, or shall be exempted from the penalties of the law, unless such Slave shall actually receive and be paid for his or her own use and benefit, wages of not less than the rate so to be fixed by any such public notice as aforesaid.

7.—And be it further enacted by the authority aforesaid, that no Slave shall be employed between sunset on Saturday evening, and sunrise on Monday morning in any field labour, or in any of the ordinary work upon any plantation or estate, under pretence or by reason that irreparable injury would arise from the postponement of such work or labour, unless such Slave shall voluntarily engage in the same, and shall for such his work or labour receive and be paid such wages as hereinbefore are mentioned.

8.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No. 6.) A Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property by the Establishment of Banks for Savings.

WHEREAS by the usage of the Bahama Islands, persons in a state of Slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is expedient that such laudable custom should be recognised and established by law; and that provision should be made for enabling such Slaves to invest their said property in good security: Be it therefore enacted by His Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that no person in the said islands, being in a state of Slavery, shall on account of such his condition be or be deemed or taken to be incompetent in the law to purchase, acquire, possess, hold, occupy, enjoy, alienate, or dispose of property; but every such Slave shall be and is hereby declared to be competent in the law to purchase, acquire, possess, hold, occupy, enjoy, alienate, or dispose of lands situate within the said islands, or money, cattle, implements, or utensils of husbandry, or household furniture, and

other effects of such or the like nature, of what value or amount soever; and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition: Provided nevertheless, that every such suit or action shall be prosecuted or defended by *prochien amy* or guardian, to be for that purpose by the same court to him or her assigned in that behalf, in such and the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court, on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of in the world, the wearing apparel of him or her and the matter in controversy excepted, to suffer the party so applying, being a Slave, to prosecute or defend any such suit or action in *formâ pauperis:* Provided always, that every such *prochien amy* or guardian shall be a person of free condition, and that nothing herein contained shall extend or be construed to extend to authorize or enable any Slave to acquire or become the owner of a Slave or Slaves, or of any fire-arms, gunpowder, or ammunition.

2.—And for the better preserving of the property of any such Slaves: Be it further enacted by the authority aforesaid, that from and after the banks for savings shall be established at , and that interest at and after the rate of per centum per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such savings bank, which interest shall be a charge on his Majesty's general revenues within the said Bahama Islands.

3.—And be it further enacted by the authority aforesaid, that any Slave making a deposit in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom, in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied, or disposed of, and such declaration shall be recorded in a book to be kept for that purpose at the savings bank, when any such deposit may be made; and upon the death of the Slave making any such declaration, the same shall be deemed and taken to be the last will and testament of such Slave in the absence of any other last will and testament. And in case any Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of any such declaration. And if any Slave shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his or her death, then and in every such case, the property of such Slave shall go and be disposed of to and in favour of such person or persons, as by virtue of any Act or Acts of parliament for the distribution of the effects of intestates, in force within the colony, would be entitled to any such property.

4.—And be it further enacted by the authority aforesaid, that the several savings banks throughout the said Bahama Islands, shall be under and subject to the inspection and control of the protector and guardian of Slaves for the said island, or deputy protector and guardian for the time being; and that the governor or commander-in-chief for the time being of the colony shall (and he is hereby authorized to) appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies which may be there deposited: Provided always that such rules and regulations be in no wise repugnant to the provisions of this Act, and that the same be transmitted for his Majesty's approbation to one of his principal secretaries of state.

5.—And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of of lawful money of the said islands, in the whole, shall at any one time or in any one week be received at any of the said banks from any Slave for the savings of such Slaves, unless the said Slave at the time of tendering such other or greater deposit, shall produce the consent in writing of his or her owner or manager,

to such other or greater deposit being made. And in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit exceeding the aforesaid sum of , and the owner or manager of such Slave shall refuse his or her consent to such deposit being made, then and in every such case, the said protector and guardian, or deputy protector and guardian for the time being, upon application to him for that purpose made, shall issue a summons under his hand and seal requiring the owner or manager of such Slave, or the person or persons under whose direction or control such Slave may be, to appear before him at some convenient time and place to be for that purpose therein appointed, and show cause why such deposit should not be made; and if any such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before such protector and guardian, or deputy protector and guardian, or appearing, shall fail to shew good and sufficient cause why such deposit should not be made, then and in every such case the said protector and guardian, or deputy protector and guardian, shall issue an order under his hand and seal requiring the manager of the savings bank to receive the amount of such deposit, and the same shall be received by him accordingly.

6.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall amongst other things therein contained, state the amount of the several sums of money deposited in any savings banks within the said islands, during the half year next preceding the date of such report.

7.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No. 7.) A Bill to prevent the Separation of Slaves being Members of the same Family, and to amend an Act entitled "An Act to amend, consolidate, and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

WHEREAS in and by the sixth and seventh clauses of an Act of the General Assembly of the Bahama Islands, made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Law the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes," the separation of Slaves, being members of the same family, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, is prohibited under certain penalties therein mentioned; and whereas it is expedient that all such sales should be declared by law to be null and void, and that some further regulations should be added to the provisions and enactments of the said first-recited Act: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, if any Slave or Slaves shall be sold or transferred, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, contrary to the provisions and prohibitions contained in the said sixth and seventh clauses of the said herein first-recited Act, then and in every such case, every such sale or transfer, and every such execution shall be (and the same is and are hereby declared to be) absolutely null in the law, and void to all intents and purposes whatsoever: Provided always, nevertheless, that nothing herein contained shall extend or be construed to

extend to exempt any person or persons offending, or who may have offended against the said provisions of the said herein first-recited Act, or any of them, from all or any of the forfeitures or penalties thereby inflicted or imposed.

2.—And be it further enacted by the authority aforesaid, that if the provost marshal of the said islands, or any his lawful deputy or deputies, or any other executive officer, by whom any levy upon any Slave or Slaves shall be made under and by virtue of any writ of execution, or other judicial process whatsoever, shall be unable to ascertain whether any Slave on whom he may so levy, has or has not a husband or wife, or reputed husband, or wife, or child under the age of years, belonging to the same owner, it shall be the duty of every such provost marshal, deputy, or other officer as aforesaid, to make a special return of any such circumstance to the court out of which the said writ or process shall have issued; and the said court shall thereupon direct a copy of any such return to be delivered or transmitted to the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being; and after hearing what may be alleged in the premises by such protector and guardian, or deputy protector and guardian, and by the several parties in any such action, suit, or proceeding, shall thereupon decide whether the Slave so seized and levied on, hath, or hath not any husband or wife, or reputed husband or wife, or child, under the age of years, belonging to the same owner as aforesaid, and shall make a rule of court upon such provost marshal, deputy, or other officer as aforesaid, commanding them either to proceed to the sale of the said single Slave or not as the case may require.

3.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

(No 8.) A Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due Course of Law, or by the Authority of the Master.

WHEREAS it is expedient that all abuses in the punishment of Slaves, whether such punishment be inflicted in due course of law, or by the authority of the master, be prevented: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that in all prosecutions which may at any time hereafter be commenced or carried on, in any court of justice within the colony, wherein a Slave may be charged with any offence, punishable by death or transportation, there shall be given to the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being, the same notice of any such prosecution, and of all proceedings therein, as according to law, and the practice and usage of the court, would be given to the said Slave, if he or she were of free condition: And the said protector and guardian, or deputy protector and guardian, shall (and he is hereby authorized and required to) be present, and attend at the trial, and all other the proceedings in every such prosecution, as the protector of such Slave, and on his or her behalf, and to act therein for the benefit and advantage of the said Slave, in such manner, and by all such lawful ways and means, as by law, and the practice and usage of the court, any counsel, solicitor or attorney, might, upon a like occasion, appear and act for the benefit or advantage of any person of free condition.

2. And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, unlawful for any person or persons within the said Bahama Islands, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves or Slave in or upon the fields of any plantation, or at, or about, any salt pond within the said

islands, or to use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slaves or Slave to perform labour of any kind or nature whatsoever; or to carry, or exhibit upon any such plantation, or at any such salt pond, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same, over any Slaves or Slave, and in case any person or persons, contrary to the provisions of this Act, shall carry any whip, cat, or other instrument as aforesaid, while superintending the labour of any Slaves or Slave, in or upon the fields of any such plantation, or at, or about, any such salt pond, or shall use any whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slaves or Slave to perform labour of any kind or nature whatsoever, or shall carry, or exhibit upon any such plantation, or at any such salt pond, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of his, her, or their authority over any Slaves or Slave, then, and in every such case, the person or persons so offending, and each and every the person or persons thereto, directing, authorizing, instigating, or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

3.—And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, unlawful for any person or persons within the said islands, to inflict in any one day, upon any male Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding in the whole, or to inflict upon any such male Slave, any punishment or correction, by the whipping, scourging, or beating of his person, unless the person of such Slave, shall at the time of such punishment or correction, be free from any laceration occasioned by any whipping, scourging, or beating, or to inflict upon any such male Slave, any punishment or correction by the whipping, scourging, or beating of his person, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence, for, or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such male Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment, other than the person by whom or by whose authority the same may be so inflicted. And in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day, upon any male Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding in the whole; or shall whip, scourge, or beat any such male Slave at any time, when there may be upon his person any laceration occasioned by any former whipping, scourging, or beating; or shall inflict upon any such male Slave any punishment or correction as aforesaid, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence, for or in respect of which any such punishment or correction may be so inflicted, or shall inflict upon any such male Slave any such punishment or correction as aforesaid, without the presence and attendance during the whole of such punishment of some person of free condition, other than the person by whom or by whose authority the same may be inflicted; then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided nevertheless that nothing herein contained shall extend, or be construed to extend, to any punishment or punishments which may be inflicted upon any such Slave, under or by virtue of any sentence or judgment of any court of competent jurisdiction within the said islands.

4.—And be it further enacted by the authority aforesaid, that it is, and henceforth shall be, unlawful to correct or punish, by whipping or flogging, any female Slave within the said islands, for any offence committed by any such Slave; and if any person or persons within the said islands, shall whip, flog, or correct any such female Slave with any whip, cat, stick, or other like instrument, then and in every such case, the person or persons so offending, and each and every person or persons thereunto directing,

authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to prevent the owner, manager, or employer of any such Slave under the age of years, from causing her to be punished or corrected for any fault or misconduct, in such and the same manner and according to the same extent as any child of free condition may be, and usually is punished in any school for the education of youth.

5.—And be it further enacted by the authority aforesaid, that if any *female* Slave shall hereafter commit any offence within the said islands, which by the law or laws in force there was heretofore punishable by whipping or flogging, every such female Slave so offending shall, and may, for any such her offence, be punished at the discretion of the court, or of the owner or manager directing such punishment, by one or other of the punishments or modes of punishment hereinafter mentioned, that is to say, First, By solitary confinement with, or without, work, in any fit or proper place on any plantation or estate, or elsewhere within the said islands: Provided nevertheless that no such place of confinement shall be made use of for any such purpose, unless and until some practitioner of medicine within the said islands, and the protector and guardian of Slaves, or deputy protector and guardian for the time being, or the assistant protector and guardian for the island or quay whereon the same is situate, shall have first signed a certificate in writing approving of such place of confinement, shall be transmitted to and deposited in the office of the said protector and guardian at Nassau. And provided also, that no such solitary confinement shall continue for any greater period or be of longer duration than for any one offence, and that no such Slave shall be subjected to any punishment by solitary confinement more than in any one calendar month. Secondly, By field stocks for confinement of the hands during the hours of labour, in the field, or at the salt pond; provided that the period of any such confinement shall not at any one time exceed and shall not be repeated a second time until between the time of any such repetition and the termination of any such previous punishment. Thirdly, By house stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of any such confinement shall not exceed for any one offence, and that no such punishment shall be repeated twice within the period of . Fourthly, By bed stocks for confinement for the feet during the night, provided that no such punishment shall be repeated within the period of . Fifthly, By distinguishing dresses to be used either with or without the stocks, provided that such punishment be not continued for any longer period than for any one offence, and that the same be not repeated within between the time of any such repetition and the termination of any such previous punishment. Sixthly, By confinement either solitary or otherwise, during one of the hours of noon, with or without work during such confinement, provided that no such punishment be repeated within the period of between the time of any such repetition and the termination of any such previous punishment.

6.—Provided always, and be it further enacted by the authority aforesaid, that none of the before-mentioned punishments shall be inflicted on any such female Slave by the authority of her owner, manager, or employer, until twenty-four hours at least shall have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, and unless one person of free condition, other than the person by whom, or by whose authority, the same may be inflicted, shall be present at and witness the infliction of such punishment.

7.—And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid at any earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall place any such female Slave in solitary confinement in any place

which shall not have been first approved of and certified in manner hereinbefore directed within next preceding any such confinement, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the Slave confined therein, or to inflict any permanent injury on her person, or shall fail to supply the Slave undergoing any such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water; or who shall punish any woman known, or supposed by him, to be pregnant, by solitary confinement or by any stocks applied in such manner as to produce the risk of miscarriage, or shall inflict upon any female Slave any of the before-mentioned punishments, until twenty-four hours at least shall have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, and without the presence of one person of free condition to witness the infliction of such punishment, then, and in every such case, the person or persons so offending, and each and every the persons or person thereunto directing, authorizing, instigating, or procuring or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

8.—And be it enacted by the authority aforesaid, that if any male Slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there is punishable with flogging, it shall and may be lawful to, and for the owner, manager, or employer of any such Slave, or for any court of justice, or justice of the peace having jurisdiction in the premises to substistute for, and in lieu of, such flogging, any one of the six modes or manners of punishment hereinbefore mentioned, in the case of female Slaves: Provided nevertheless that the several conditions, regulations, restrictions, and provisions aforesaid, so far as the same or any of them may be applicable to the case of male Slaves, be at all times duly observed and attended to.

9.—And be it further enacted by the authority aforesaid, that there shall be kept by every person having charge of a task or working gang of Slaves exceeding in number, and upon every plantation or estate within the colony, a book to be called "the Punishment Record Book," and that it shall be the duty of the owner or manager, or other person having the direction of, or chief authority in, any such plantation, or the charge or management of any such gang, to enter and record in the said book at or within hours next immediately after the time of infliction of any punishment whatsoever hereby authorized on any female Slave, or any male Slave, who may be punished in any day with any number of stripes or lashes exceeding , or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for or in respect of which any such punishment may be inflicted, and of the time when and place where such offence was committed, and of the time when and place where such punishment was inflicted, and of the nature, extent, and particulars thereof; and in the cases of male Slaves of the number of stripes or lashes actually inflicted upon the offender, together with the names of the person or persons by whom and by whose authority the punishment was inflicted, and of the person or persons of free condition present and attending at the infliction of every such punishment.

10.—And be it enacted by the authority aforesaid, that if any person having the charge of any task or working gang of Slaves, exceeding in number, or if any owner, manager, or other person having the direction of or chief authority in any such plantation or estate, shall neglect or omit to make in the said punishment record book, any entry which according to the provisions of this Act ought to be made therein, or shall not make such entry within hours after the infliction of each and every punishment to which any such entry may relate, every person so offending shall incur and become liable to a fine not exceeding £ , nor less than £ of lawful money of these islands. And if any person or persons shall wilfully or fraudulently make or cause to be made any false entry or fraudulent erasure in any such punishment record book, or shall wilfully or fraudulently burn, cancel, obliterate, or destroy the

same or any parts thereof, the person or persons so offending shall be deemed guilty of a misdemeanour.

11.—And be it further enacted by the authority aforesaid, that every person having charge of a task or working gang of Slaves, exceeding in number, and every owner, manager, or other person having the direction of or chief authority in any plantation or estate within the colony, shall, on the first Monday next following the 5th day of April, 24th day of June, 29th day of September, and 25th day of December in each year, repair to the protector of Slaves, or deputy protector and guardian for the time being, at Nassau, or to the assistant protector and guardian of Slaves for the island or quay on which he may dwell, and produce before him a true and exact transcript or copy of every entry which during the quarter of a year next preceding may have been made in the punishment record book to his or her task, or working gang, or plantation, or estate relating, and shall take and subscribe the following oath (which such protector and guardian, or deputy or assistant protector and guardian, is hereby authorized to administer) to be annexed to the said transcript or copy, (that is to say) "I, A. B. having charge of a task or working gang of Slaves, exceeding in number, worked or employed on the island of (or owner or manager of the plantation or estate called , situate in the island of), do make oath and say that the paper writing hereunto annexed, contains a true and exact copy of every entry which since the day of last, hath been made in the punishment record book of the before-mentioned task or working gang (or plantation or estate). And I do further swear that the said punishment record book hath been punctually and accurately kept since the said day of , in the manner required by law, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God."

12.—And be it further enacted by the authority aforesaid, that if any such owner, manager, or other person as aforesaid shall not, since the time of making his last preceding return, have inflicted any punishment upon any female Slave belonging to any such his or her task or working gang, or plantation or estate, or any punishment exceeding stripes or lashes upon any such male Slave, then and in every such case, instead of the oath herein before mentioned, such owner, manager, or other person as aforesaid, shall at the several times aforesaid, take and subscribe before the said protector and guardian of Slaves, or deputy protector and guardian at Nassau, or assistant protector and guardian of Slaves for the island or quay on which such owner, manager, or other person as aforesaid may dwell, the following oath (which the said protector and guardian or deputy protector and guardian, or assistant protector and guardian is hereby authorized to administer,) that is to say, "I A. B., having charge of a task or working gang of Slaves, exceeding in number, worked and employed on the island of (or owner or manager of the plantation or estate called situate on the island of) do make oath and say, that since the day of last, no punishment hath been inflicted by me or by my order or with my knowledge, upon any female Slave belonging or attached to the said task or working gang of Slaves (or to the said plantation or estate), and that since the said day of no punishment exceeding stripes or lashes hath been inflicted by me or by my order or with my knowledge upon any male Slave belonging or attached to the said task or working gang of Slaves, or to the said plantation or estate. And I do further swear that no entry of any such punishment hath, since the day of been made by me or any person or persons by my procurement or with my knowledge or consent, so help me God."

13.—And be it further enacted by the authority aforesaid, that at least before the time of making any such return, there shall be transmitted by the protector and guardian of Slaves to the owner or manager of every plantation or estate situate in the Island of New Providence, and to every other person on the said island having charge of

a task or working gang of Slaves exceeding in number who shall think fit to apply for the same, and by every assistant protector and guardian of Slaves for any other island or quay within the colony, to every owner or manager of any plantation or estate on such island or quay situate, and to every other person there dwelling, and having charge of any such task or working gang, a printed blank form of the before-mentioned affidavits, together with a notice of the time and place at which such protector and guardian or deputy or assistant protector and guardian will attend for the purpose of receiving the returns and administering the oaths aforesaid. And every such protector and guardian, or deputy or assistant protector and guardian, shall (and he is hereby required to) attend from day to day for successive days for the purposes aforesaid; and in case it shall be made to appear to any such protector and guardian, or deputy or assistant protector and guardian, by the certificate of any medical practitioner, that any person or persons liable to make such returns is or are by reason of sickness rendered incapable of attending for that purpose at the time and place therefore appointed, then and in every such case the said protector and guardian, or deputy or assistant protector and guardian, shall (and he is hereby required to) attend the person or persons so incapacitated at his, or her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

14.—And be it further enacted by the authority aforesaid, that if any person or persons shall refuse or neglect to make any such return, or to take and subscribe any such oath and affidavit as is or are required of him, her, or them by this Act, then and in every such case, the person or persons so offending, shall incur and become liable to a fine not exceeding pounds, nor less than pounds of lawful money aforesaid, to be recovered and applied in manner hereinafter mentioned.

15.—And be it further enacted by the authority aforesaid, that every assistant protector and guardian of Slaves within the said islands, shall (and is hereby required to) transmit to the protector and guardian of Slaves, or deputy protector and guardian of Slaves, at his office in Nassau, the whole of the returns that may be so made to him as aforesaid, together with the original affidavit thereunto annexed within next after such quarterly returns shall be complete. And in case any such assistant protector and guardian shall himself be the owner or manager of any such plantation or estate, or have the charge of any such task or working gang, he shall, together with the returns to be so transmitted by him in each year for the quarters of a year next preceding the said day of and day of in every such year, deliver to the said protector and guardian, or deputy protector and guardian, a transcript or copy of the entries made in his own punishment record book, for the last preceding half year, together with an affidavit to be by him sworn to before the chief justice of the said islands or one of the assistant justices of the General Court thereof, in the manner and form hereinbefore mentioned, and under such and the like penalty for any refusal or neglect as is hereinbefore imposed in the case of any other person or persons refusing or neglecting to make his, her, or their return, or to take and subscribe any the before-mentioned oath.

16.—And be it further enacted by the authority aforesaid, that the said protector and guardian, or deputy protector and guardian, shall enrol and record in books to be kept by him for that purpose, the whole of the returns so to be made by him, and shall keep and preserve in his said office the originals of the said returns and affidavits; and for the better and more convenient keeping of the said records, a distinct and separate book shall be appropriated and kept for every separate island or quay, and therein shall be transcribed in alphabetical order, according to the names by which each plantation or estate is described in any such return, or the name of the person having charge of any such task or working gang as aforesaid, each and every of the returns for the island or quay to which such book may relate and be appropriated, and full and exact indices to such books shall also be kept by him.

17.—And be it further enacted by the authority aforesaid, that upon

the prosecution of any person being the owner or manager of any such plantation or estate, or having charge of any such task or working gang for inflicting or causing or procuring to be inflicted upon any Slave any punishment hereby declared to be illegal, if the Slave so alleged to have been illegally punished shall be produced in open court, and if the marks or traces of a recent flogging or laceration shall appear on the person of such Slave; and if such Slave shall in open court declare such marks or traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then and in every such case, although such Slave should not be a competent witness in the law, the owner, manager, or other person having the charge of such Slave, shall be bound to prove either that the punishment of which the marks or traces may be so apparent, was not inflicted by him or by his procurement or with his knowledge or consent, or that such punishment was a lawful punishment within the true intent and meaning of this Act, and was inflicted in the presence of one such witness as is thereby required, and in default of such proof, such owner, manager or other person as aforesaid shall be convicted and adjudged to be guilty of the offence imputed to him; and every such prosecution as aforesaid, shall be conducted by the protector and guardian or deputy protector and guardian of Slaves for the time being; and it shall not be lawful for him to discontinue any such prosecution, except in obedience to an order in writing to be for that purpose issued by and under the hand and seal of the governor or commander in chief for the time being of the colony.

18.—And be it further enacted by the authority aforesaid, that any of the people called Quakers, who may be resident within the said islands, being required to take any oath or oaths, in pursuance of this Act, may, and they are hereby authorized to, make his, her, or their solemn affirmation in lieu of such oath or oaths; and if any person taking any such oath, or being a Quaker making his solemn affirmation under or in pursuance of the said Act, shall be guilty of swearing or affirming falsely and wilfully, every person so offending, and being lawfully convicted thereof, shall incur and become liable to the same pains and penalties as are provided by law against wilful and corrupt perjury.

19.—And be it further enacted by the authority aforesaid, that if any person or persons shall be guilty of any offence, which by virtue of this Act is declared to be a misdemeanour, every such person so offending and being lawfully convicted thereof, shall if of free condition become liable to a fine not exceeding £ of lawful money aforesaid, nor less than £ of like money, or to imprisonment not exceeding , nor less than , or both to fine and imprisonment at the discretion of the court before which any such conviction may take place, or being a Slave shall be punished by imprisonment and hard labour for any time not exceeding , nor less than , at the discretion of the said court.

20.—Provided always, and be it further enacted by the authority aforesaid, that if any person or persons shall be convicted of any cruelty to any Slave, the said court at their discretion shall and may (and is hereby authorized to) declare the right, title, and interest of the person or persons so convicted in, and to any such Slave, to be absolutely forfeited to his Majesty; and if any person shall be twice convicted of inflicting upon any Slave any cruel or unlawful punishment, the person so convicted, shall, in addition to the penalties before mentioned, be declared by the court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slave or Slaves within the said islands, and all and every the Slave or Slaves whereof any such offender may at the time of such second conviction have been the owner or proprietor, and all the right, title, and interest of any such person in or to any such Slaves, shall thenceforth become and be absolutely forfeited to his Majesty, provided always (and it is hereby declared to be the true intent and meaning thereof) that no such forfeiture to his Majesty of any Slave, or of any right, title, or

interest in any such Slave shall in any way diminish, affect, or take away, the right, title, or interest, of any person in or to any such Slave, except of the person upon the conviction of whom any such forfeiture may be incurred; provided also, that whenever any such forfeiture as aforesaid shall in fact accrue to his Majesty, the same shall not be carried into effect by the actual seizure or sale of the property so forfeited, until all and every the particulars and circumstances of the case shall have been reported to his Majesty through one of his principal secretaries of state, and until his Majesty's royal will and pleasure shall have been signified thereon. Provided nevertheless that pending any such reference, and until his Majesty's said pleasure shall have been so signified, the property forfeited shall be and continue to be vested in his Majesty, subject nevertheless to be again divested if his Majesty shall be graciously pleased to remit the forfeiture thereof.

21.—And be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to exempt any person or persons who shall wilfully mutilate, or cause, or permit, or suffer to be mutilated, any Slave or Slaves, or who shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison, or keep in confinement without sufficient support, any Slave or Slaves, or who shall punish any Slave by fixing, or causing to be fixed, any iron or other collar round the neck of any such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind other than such as are absolutely necessary for securing the person of such Slave while in confinement, from any the pains, penalties, fines, and forfeitures imposed on persons in like case offending, in and by an Act of the General Assembly of the Bahama Islands made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes;" but that all and every the person and persons offending, or who may have offended, or who at any time or times hereafter shall or may offend, against the provisions in that behalf of the said recited Act, or any of them shall, and they and each and every of them is, and are hereby declared to be, subject to all and every the respective pains, penalties, fines, and forfeitures, herein or thereby imposed; and the same, and each and every of them, shall be sued for, prosecuted, and recovered in manner and form therein directed, anything herein contained to the contrary notwithstanding.

22.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, (or deputy protector and guardian of Slaves) in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall include therein a statement of the particulars of all the returns which by virtue of this Act may have been made to him in the half year next preceding the date of any such report, by the several assistant protectors and guardians within their several and respective districts, and the names of the persons, if any, against whom he may during the same preceding half year, have instituted any criminal prosecutions under the said Act.

23.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or to be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known and his assent obtained thereto.

(No. 9.) Proceedings of the House of Assembly.

Tuesday November 14th, 1826.

Mr. Storr, from the committee to whom was referred the eight several Bills read a first time the nineteenth ultimo, respecting certain proposed melio-

rations of the condition of the Slaves in this colony, with instructions to report on the expediency of the same, and the practicability of adopting them, or any part or parts thereof, within the colony, delivered the following

REPORT.

"The committee to which was referred the eight several Bills read a first time on the nineteenth ultimo, respecting certain proposed ameliorations of the condition of the Slaves in this colony, with instructions to report on the expediency of the same, and the practicability of adopting them, or any part or parts thereof, within the colony, report as follows:—

"The committee being impressed with a deep sense of the importance and delicacy of the several matters referred to them, have, after the most anxious and deliberate consideration of the whole, to report, that, among the proposed enactments of the eight Bills referred to them, there are some which appear to the committee, if not altogether objectionable upon general grounds, yet, as being from local circumstances, for the present at least utterly impracticable in this colony; whilst on the other hand the committee have the pleasure to admit, that in their opinion, formed upon serious consideration, the most material part, as they conceive, of the system proposed, and embraced in the Bills before them, and intended for the melioration of the condition of the Slaves in the colony, may be established, if with but little perceptible benefit at present to the Slaves or their owners, yet, as the committee trust, without injury to either. For the committee must do the colony the justice to add, that a very considerable portion of those beneficial enactments, are in general conformity with the already existing laws and usages of the country.

"The office of guardian and protector of Slaves, the committee consider as uncalled for in the Bahamas; and with the ramifications of the system necessarily connected with that office to render it effective, would burden the country with an expense which it is at this time entirely unable to bear.

"The protector of Slaves ought to be a gentleman of education and talents. In other hands, the office would be a nuisance. And therefore as the nature and duties of that office would preclude the person holding it, from any other profitable employment in the colony, his appointments would require to be liberal. The same observations apply, with but little modification, to the assistant protectors. Now, among these islands (the entire number of which is yet unknown) extending over a space of sea of six hundred miles and upwards in length, there are about seventeen islands and quays permanently inhabited. To give effect to the proposed system, therefore, all these settled islands and quays would require at least one officer in each; and three or four of the islands, from their great length and the distance of the settlements on them from each other would require two or three; making about two or three and twenty officers in the whole, to be paid out of the colonial chest. The committee have to observe, that by some late regulations, the salaries of the officers of his Majesty's customs in these islands, being nine in number, already absorb a sum equal to a fifth of the ordinary revenues of the colony, and therefore to maintain an establishment of two or three and twenty Slave protectors also, in a like scale, would leave just something more than a third of the unabsorbed balance for the support of the government and other colonial purposes.

"The committee take occasion here to mention what probably is but imperfectly known to his Majesty's ministers, namely, the superior moral condition and intelligence of the Bahama Slaves, in comparison with those in the sugar colonies generally to the southward. On this score, our colonists possibly can claim little other merit than that of never having opposed any obstacles to the progress of Negro improvement; which is perhaps in fact, to be mainly attributed to the smallness of the properties of most of our planters; in consequence of which, the bulk of the Slave population, being divided into small gangs, live in a state of more or less domestication with their owners, or those in charge of the several plantations to which they belong; and also to this circumstance, that, from the nature and position of these islands, a number of the male Slaves are

employed in navigation, and constantly associated, in that occupation, with whites and other freemen: which is, almost of necessity, calculated to disseminate, among the Slave population generally, a taste for many of the comforts of civilized life, and at the same time afford them, to a considerable extent, the means of acquiring them.

" With this improvement in the physical condition of the Slaves, their advancement in morals and religion has happily kept pace. And therefore the committee respectfully suggest that, should the colonial legislature be of opinion that the time has arrived, when Slaves may, with certain proper precautions for a time, be admitted as witnesses under oath, before magistrates and juries in cases where their evidence may be necessary to the protection of their persons and properties, there would be the less need, in this colony perhaps none, of their being placed under the extraordinary guardianship of any new office to be created for the security of their rights.

" It being impracticable, as already shewn, to establish in these islands any system of Slave guardianship, such as is contemplated by the Bills before the committee, it is at once obvious that none of the proposed enactments of these Bills, which are in necessary connexion with that system, can be carried into effect here. Among other things, accordingly, those clauses of the Bill relating to the punishment of Slaves, which would require a record of punishments to be kept in plantations, for the purpose of having copies of those records transmitted to England through the protector's office, would of course be here adopted in vain. To any such records indeed, the committee would be disposed to object generally, for this reason, (and the committee hope to be excused for stating that reason frankly) that few planters, or at least, few of the persons in charge of plantations in the Bahamas, are capable of keeping any records of the kind. Our plantations also being for the most part in secluded situations, on islands sometimes not a tenth part cleared for cultivation, and still oftener on others, more than three-fourths abandoned, on account of the exhausted state of the soil, those in charge of them are seldom in a situation to get literal assistance, to supply their own deficiencies, or even free witnesses beyond the limits of their own families, to attest their proceedings. A great number of those plantations also are in the charge of free Negroes and coloured people, and still more frequently of Slaves, and other illiterate persons, the owners residing in other places altogether: so that many regulations which in more fortunate and populous countries might be easily carried into effect, would frequently in this colony call for absolute impossibilities.

" With respect to the punishment of female Slaves, the committee would have much pleasure in recommending the adoption of the provisions of the Bill relating thereto, could the committee be persuaded that it was at this time possible to substitute any effectual mode of punishment in the place of flogging. The committee, under a feeling of unwillingness to subscribe to a doctrine altogether at variance with the habits of polished life, but in which all Slave-owners concur, particularly the best acquainted with plantation affairs, and which it therefore is the duty of the committee not to withhold from the House on this occasion, have to acknowledge that female Slaves generally require more frequent correction than males; and that with the females originate a large proportion of the crimes for which the males suffer. Confinement in stocks is in use here, as in other countries, as a fair punishment for minor offences. But how far solitary confinement might answer the purpose of restraining the perpetration of grave offences, the committee have had no opportunity of forming an opinion, nor could the experiment be at this time generally tried in the colony, except at an expense not only incommensurate in the extreme with the benefits proposed from it, but one also which the country could not possibly bear. What has been already urged with respect to assistant protectors of Slaves, will apply with still greater force to this subject, inasmuch as there is but one prison worthy of the name, within the whole range of the Bahamas, namely, that in this town. Here therefore the experiment might be tried: but not throughout the other islands, where it would be of infinitely more

importance; but in which, with a very small population, thinly scattered at distant points from each other, over an area of land and sea of so many hundred miles as already represented, to make the experiment fairly, would require a gaol to be erected upon almost every plantation large and small. In short, were a grand attempt to be made to establish effectually in this colony, all the operose machinery of protection, any punishment which the Bills now before the committee call for, the Slave protections, gaolers, turnkeys, &c., with their families, should they have any, would in a great majority of the islands constitute nearly a half of their white population.

" The committee also deem it extremely questionable whether confinement in any shape would be considered as a punishment by a Negro Slave, whom for the most part, as is well known, exemption from labour would reconcile to almost any other privation than that of food. It is clear that a short confinement is scarcely any punishment at all—and a long one would be so much loss of labour to the master. In the case of females in particular it is to be observed, especially those having families, that while they should enjoy at their ease an exemption from labour, it would be their husbands and children, perhaps their aged parents also, that would be the real sufferers from their confinement,

" The use of the whip as an excitement to labour, has ever as yet been unknown in these islands; nor can the legislature well refuse to confirm its exclusion by positive law. But as a punishment for crime, flogging is not only authorized, but regulated even by holy scripture, and with limitations by-the-bye, not always very scrupulously attended to, even by the tender hearted authorities of that very country which now seeks to abolish the practice altogether in her colonies. Reform, like charity, should begin at home; in the army and navy for instance, as well as elsewhere, inasmuch as it is idle to expect efficacy from a naked precept at such open variance with the example of the preceptors themselves.

" With respect to the interval of twenty-four hours between the perpetration of an offence and its punishment, the committee frankly admit their approbation of the principle, but have at the same time to regret that from a circumstance already more than once adverted to, namely, the want of places of easy confinement on those of the islands principally occupied by the planters, no such enactment could be safely carried into effect—for the delay suggested would in those islands only be twenty-four hours' notice to the Slave to run away, of which there is but little doubt ninety-nine in a hundred would avail themselves.

" The enactments of the eighth Bill now before the committee, which propose a forfeiture of Slave property, or in other words, the emancipation of the Slaves, as the penalty of cruel or illegal punishment, the committee cannot approve. If one exercise extreme cruelty to a Slave, it would be well to prevent a repetition of the offence, by, besides other punishment, transferring that Slave to a better master. But the committee cannot understand why the commission of the offence should entitle the injured party to freedom. So long indeed as any considerable portion of the Slave population would, if free, be unable or unwilling to subsist otherwise than by rapine, theft, or other crimes, the committee consider all emancipations but those on the score of character or merit of some kind, as a public injury. Meritorious Slaves are very rarely the victims of a master's cruelty. And if freedom were to be the reward of insolence and other provocation, on the part of the Slave, sufficient to transport every choleric owner beyond the bounds of discretion, it would of course be the very worst class of Slaves that would be likely to become first free.

" The provison that by a second act of cruelty, or even illegality, *unattended with cruelty or any serious criminality whatever*, in the punishment of a Slave, or an owner should forfeit all his Slaves, is as monstrous in principle as it would be perilous in the extreme in practice." The House in 1824 observed upon the Trinidad order in council what may be here properly repeated with respect to this extraordinary clause of the Bill. In a message to his excellency the governor from the House, it was stated that " besides the multitude of other objectionable parts of that ordinance, *that* from which

the more immediate evils are to be apprehended, perhaps, is the portion of it which restrains within certain limits the punishment of Slaves, the callous inflexibility of the edict, rejecting all distinction between the most atrocious violation of the spirit of the law, and the most venial transgressions of its letter; and above all the appalling disproportion between the offence and its penalty. A lash illegally inflicted on the whitest freeman in England or the colonies, is expiated by a small fine, or at most, by a short imprisonment. But here, a like assault upon a Slave by his master, is to be punished by the forfeiture of at least one half of that master's fortune, however splendid it may be. As one, of perhaps a hundred fairly supposable cases of rank oppression and injustice, to result from the proposed regulations, a single female Slave, privileged, as she would be, from corporal punishment, would have only to inflict, privately, upon her own shoulders just severe enough to shew a perceptible mark of the violence, and charge her owner with the offence, and she might thereby not only procure her own emancipation, but that also of all her kindred, and of the entire gang to which she belonged, should it amount to thousands in number, and in value millions. The right of giving evidence in all other cases, is confined to Slaves duly instructed in the christian religion. But here, no manner of religious or moral qualification is required; no certificate of character, nothing but the lash on the back and a plausible tale in the mouth of the complainant. Let it also be remembered, that even in cases in which it should be afterwards made to appear, that the person convicted had been unjustly accused, and had been the innocent victim of fraud and perjury on the part of his accuser, still he would be altogether without remedy. Nearly every other sentence of the law is, for a time at least, under the wholesome control of the executive.

" In this case the Slaves by the sentence itself, would at once become forfeited to the crown; or in other words, irreversibly manumitted. The property of the innocent and injured owner, once so lost, could never be restored; and thus from the very nature of his case, even the doors of royal mercy must of necessity remain shut against him for ever.—Neither is there any reservation in favour of the rights of joint proprietors, reversioners, entailed heirs, mortgagees, or creditors of any description: every consideration of the kind is utterly lost sight of, in the eagerness for emancipations too plainly manifested by those who have been unhappily permitted to advise this extraordinary measure.

" And though the proceedings under the Bill would be somewhat less summary, and affect a little more regard to the rights of innocent persons, the power to do all the wrong anticipated is still vested in the same hands; a power that ought not to be vested in any hands, and still less in in the hands of those who have shewn themselves on all occasions, of late, to act under the influence of opinions hostile to every principle of fair dealing between the mother country and her colonies on the subject of Slavery. In one part of the system, the framers of the projected code, guard studiously against manumissions by individuals, which are likely to be onerous to the community; but by the proposed enactments last commented on, Slaves of all descriptions, of merit and no merit, of good character and bad, old and young, feeble and strong, healthy and infirm, are to be thrown upon the public, by whole gangs, of hundreds perhaps at once, at the discretion of those who may happen to be, for the time, at the helm of state affairs in Great Britain.

" The committee therefore recommend that the eight several Bills referred to above mentioned, be rejected. The committee further recommend it to the House, to direct a Bill or Bills to be brought in to amend the Consolidated Slave Act, and that the same shall contain clauses to the following effect, *viz.*—

" A clause to further legalize and regulate the intermarriage of Slaves, and of Slaves with free persons of colour, whereby it may be lawful to solemnize such marriages, without the consent of the owners of such Slaves, when such consent is withheld without sufficient cause shewn to the satisfaction of two magistrates, with the right of appeal from the decision of the magistrates to the governor.

" Also a clause further to confirm the present law of the colony, forbidding, under certain suitable penalties, the labour of Slaves on Sundays, except in cases of urgent necessity; to prevent all kind of public markets on that day, except a market for fresh meat, fish, fruit, milk, and vegetables, to be closed for the day, at nine o'clock in the forenoon; and to cause all stores and shops, for the sale of merchandise, as well as all retail liquor shops, to be shut from nine o'clock on Saturday night, until daylight on Monday morning, with an exception in favour of the sale of medicines for immediate use.

" Also, a clause to confirm, by law, the right of Slaves to property, real and personal, (Slaves only excepted) and the acquirement thereof by purchase or inheritance: and to enable them to bring and defend suits by *prochain ami*, and under proper circumstances in *formâ pauperis*, to provide for a bank or place of security, in which Slaves may deposit their monies, with such limitations and restrictions as may be necessary to prevent all dishonest acquisition of such monies by such Slaves.

" Also a clause to further regulate the present prohibition of the separation of families under any circumstances, in the sale of Slaves, and declare all such sales void.

" Also a clause to further prevent abuses in the punishment of Slaves, and to make it illegal to punish female Slaves by flogging except in private, or by sentence of some court of competent jurisdiction.

" Also a clause to admit Slaves professing the Christian religion, and understanding the nature of an oath, to give evidence in all cases tried or to be tried by a jury, according to the course of the common law, or the provisions of any act of assembly of these islands; excepting only in *ex-officio* informations, and cases in which a question of freedom may be at issue, or implicated, directly or indirectly.

" Also a clause authorizing the manumission of Slaves, having the means of purchasing their freedom, by compensating their owners for all losses sustained or to be sustained by such owners, by reason of such manumissions: that is to say, that the compensation is to be estimated, not merely by the probable market price of the Slave if exposed to sale as such, but with due regard also to any further remuneration that owners may shew themselves entitled to under the special circumstances of each case: and that the estimate shall, in disputed cases, be made by referees fairly chosen, and sworn to make their estimate on the above principle; and that the referees shall have power to award an immediate manumission, or, at their discretion, when it can be shewn that such immediate or any early manumission would seriously affect the interests of owners, to postpone the same according to circumstances, but in no case for more than one year."

The Report ordered to lie on the Table.

(No. 10.) An Act to amend an Act, entitled " An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

Preamble, that the Act 4th Geo. IV. to amend, consolidate, and bring into one Act the Laws relating to Slaves, should be amended.

WHEREAS it is expedient that an Act passed in the fourth year of his present Majesty's reign entitled " An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes" should be amended: May it therefore please your Majesty, that it may be enacted, and be it enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief; the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, so

So much of the several Acts next hereinafter mentioned as relate to free blacks and free persons of colour suspended.

much of the several Acts next hereinafter mentioned as relates to free Blacks and free Persons of Colour, be and the same is hereby suspended for and during the continuance of this Act, that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, entitled, "An Act for governing Negroes, Mulattoes, and Indians," also one other Act, passed in the eighth year of his said late Majesty's Reign, entitled "An Act for suspending a Clause in an Act, entitled 'An Act for governing Negroes, Mulattoes, and Indians, and for amending the said Act, "also one other Act passed in the twentieth year of his said late Majesty's reign, entitled, "An Act for suspending Parts of certain Clauses, and amending other Clauses in an Act entitled, 'an Act for governing Negroes, Mulattoes, and Indians,'" also one other Act passed in the year last aforesaid, entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians"and for suspending several Acts therein mentioned;" also one other Act passed in the same year last aforesaid, entitled "An Act to amend a Clause in an Act passed in the Seventh Year of his said late Majesty's Reign, entitled, 'An Act for governing Negroes, Mulattoes, and Indians;'" also one other Act passed in the twenty-fourth year of his said late Majesty's Reign entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned," also all and every Act and Acts, Clause and Clauses of Acts respecting the governing of Negroes, Mulattoes, Mustees, and Indians, which in and by the said last-recited Act, are or were thereby suspended during the continuance of the said Act; also one other Act passed in the thirty-seventh year of his said late Majesty's reign, entitled "An Act to consolidate and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of Slaves charged with capital Offences, for suspending the several Acts and Clauses of Acts therein mentioned, and for other Purposes."

No future manumission, gift, bequest, or conveyance of Slaves to be valid, unless by will nuncupative, or written, or by deed.

2.—And be it further enacted that from and after the passing of this Act, no manumission, gift, sale, assignment, devise, bequest, or other conveyance of Slaves, shall be valid or effectual in law or equity unless by nuncupative or other last will and testament, duly executed and published according to law, or by deed of gift, deed of bargain and sale, or other instrument in writing, duly executed under seal or otherwise, attested by at least one literate, free, competent, and disinterested witness; all which wills, deeds, and other instruments of writing, shall and may be proved, recorded and dealt with in the proper court or office of this government, in manner and form, and to the same effect and under the same regulations as wills and deeds are proved, recorded and dealt with, according to law in other cases: Provided however, that nothing herein contained shall invalidate or in any manner affect any manumissions, gifts, sales, devises, bequests, or other conveyances of Slaves, granted or made at any time before the passing of this Act: and provided also, that in the wills and deeds and other instruments of writing as aforesaid hereinbefore required, no particular form of words shall be considered necessary, but the same shall be taken and understood, according to the true intent and meaning of the same, as therein written and expressed: and provided also, that all manumissions and conveyances of Slaves in fraud of creditors or others having a legal or equitable interest in the same, shall as heretofore be void, anything hereinbefore contained to the contrary notwithstanding.

Proviso. Former manumissions not to be attested.

In such wills and deeds as are by this Section required, no particular form of words necessary.

Manumissions and conveyances of Slaves in fraud of creditors to be void.

Part the 3d. Section of the 4th Geo. IV. suspended, manumissions to be valid although the person manumitted be incapable of labour, the manumittor remaining liable for the maintenance of such person.

3.—And be it further enacted that so much of the third section of the said first above-recited Act, to which this Act is an amendment, as declares void all manumissions, or intended manumissions of Slaves, by reason of such Slaves being rendered incapable of labour by sickness, age, or infirmity, be, and the same is hereby suspended during the continuance of this Act; the manumittors and their estates, however, being still liable for the keeping, maintenance and comfort of such manumitted Slaves, for their natural lives, in manner and form, under the regulations and penalties of the said Act, according to the substance and true intent and meaning of the same, and the several provisions thereof in that behalf.

So much of the 18th Section of the said Act of 4th Geo.

4.—And be it further enacted, that so much of the eighteenth section of the said Act, to which this Act is an amendment, as authorizes or em-

powers, or is construed, or supposed to authorize or empower the keeper of any jail, or the supervisor of any workhouse, to inflict any manner of corporal punishment on Slaves committed to their custody without authority from the owners or employers of such Slaves or other lawful representatives of such owners or employers, or of some court or magistrate having competent jurisdiction in the premises, be, and the same is hereby suspended for, and during the continuance of this Act: Provided, however, that the keepers of jails or workhouses shall not be hereby precluded from placing refractory prisoners in close confinement, or otherwise under lawful restraint, so far as the same may be temporarily necessary for the maintenance of discipline in such jails or workhouses.

IV. suspended as empowered a jailer or workhouse-keeper to inflict corporal punishment on Slaves without the consent of the owner, &c.

Proviso. That refractory Slaves may be put in close confinement.

5.—And be it further enacted, that whensoever any Slave or alleged Slave shall be arrested, or lodged in jail, except by or under the authority, directly or indirectly, of the owner of such alleged Slave, on a charge, or under a suspicion of being a runaway Slave, such alleged runaway shall be, as soon as it may conveniently be done, taken by the person arresting such alleged runaway, or the keeper of such jail, before a magistrate for examination, which magistrate shall thereupon, upon due inquiry into the circumstances of the case, either commit the prisoner to jail as a Slave to be claimed, or otherwise dispose of him or her according to law: Provided however, that no such commitment on that account shall be for a longer space of time than one year, and if on the expiration of that year the prisoner, after having been duly advertised, as in and by the provisions of the said first-above recited Act is required, shall be again taken as before to a magistrate, and by him discharged from custody, or otherwise dealt with according to law, and so much of the said Act as directs that the prisoner, if not claimed as a Slave by his or her owner or owners, within the year as aforesaid, shall be sold as a Slave, shall be and the same is suspended for and during the continuance of this Act.

How Slaves are to be dealt with who are arrested or lodged in jail under a charge or suspicion of being runaways.

And so much of said Act 4th Geo. IV. as directs them to be sold if not claimed within a year, suspended.

6.—And be it further enacted, that any person of free condition, who shall knowingly aid, abet, or in any manner assist in harbouring or concealing any runaway Slave or Slaves, or in their deserting and going off these islands to another, shall be guilty of a misdemeanour, and on conviction thereof shall suffer fine or imprisonment, or both, at the discretion of the court in which the offender shall be tried, and also further imprisonment until such fine shall be paid: Provided however, that the governor or commander-in-chief for the time being, may with the advice and consent of his Majesty's council, in and for these islands, with the assent of the convicted offender, commute the imprisonment in either case to banishment for life from these islands, but at the sole proper charge and expense of such offender, and in such manner and on such conditions as to the time within which such offender shall depart, as the governor or commander-in-chief shall designate or appoint; and should such offender not so depart within the time so limited or appointed, or after having departed, shall be again found at large within the limits of this government, such offender shall, on conviction thereof, be sentenced to imprisonment for life: Provided however that in case of unavoidable accident, or necessity, the governor or commander-in-chief may enlarge at discretion the time for the departure of any such offender as aforesaid, and all Slaves guilty of like offences as last aforesaid, shall, on conviction thereof, be punished by flogging, and receive not more than two hundred nor less than fifty stripes, on the bare back, at the discretion of the court before whom they shall be tried; and so much of the thirtieth, fifty-third, and fifty-fourth sections of the said first above recited Act, to which this Act is an amendment, and of any other provisions of the same, as in any manner contravene, or are inconsistent with the several last mentioned provisions of this Act as aforesaid, touching the punishment of free persons or Slaves, harbouring runaways, or assisting them in desertion, be, and the same are hereby suspended, during the continuance of this Act: Provided, however, that nothing in this Act contained shall in any manner preclude any person or persons, injured by desertion of Slaves, from any action of damages which he, she, or they might otherwise lawfully have against him, her, or them who shall have so harboured such runaways, or assisted them in their desertion as aforesaid.

Punishment of persons of *free condition* who shall knowingly aid, abet, harbour, and conceal a runaway Slave.

Punishment of Slaves for the like offence.

And so much of the 30th, 53d, and 54th Sections of said Act 4th Geo. IV. as contravenes the Provisions of this Section is suspended.

Punishment of free Negroes, Mulattoes, Mustees, Indians, or other free persons of colour, for using threats of unlawful violence, or any scandalous or abusive language to a white person.

Trial before two magistrates in New Providence, or before one magistrate and two freeholders on any other island.

Fine not more than twenty pounds. Imprisonment not to exceed six months.

Punishment of Slaves for the like offence.

7.—And be it further enacted, that if any free Negro, Mulatto, Mustee, Indian, or other person of colour, shall use any threats of unlawful violence or injury, or any scandalous or other abusive language, to any white person or persons, such free Negro, Mulatto, Mustee, Indian, or other person of colour, shall and may on complaint, under oath of the party menaced or insulted, be lawfully tried for the same before any two or more magistrates, on the Island of New Providence, and before any one magistrate and two white freeholders, on any other island, and on confession or conviction thereof, be, by the said magistrates, or magistrate and freeholders, fined in a sum not more than twenty pounds of lawful money of these islands, and by them committed to jail or other place of confinement until such fine is paid, provided such confinement shall not exceed the term of six months; and if any Slave shall be in like manner convicted before two magistrates of any like offence, as last aforesaid, such Slave shall be punished by whipping, and to receive not more than fifty lashes.

Punishment of Slaves. The use of the whip, cat, or other like instrument for the purpose of coercing Slaves to labour in the field or about any salt pond, declared unlawful.

8.—And be it further enacted by the authority aforesaid, that it is and shall henceforth be unlawful for any person or persons within the said Bahama Islands, to use any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves in or upon the field of any plantation, or at or about any salt pond within the said islands, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever; and in case any person or persons, contrary to the provisions of this Act, shall use any whip, cat, or other instrument as aforesaid, while superintending the labour of any Slave or Slaves, in or upon the field of any such plantation, or at or about any such salt pond, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanour.

Persons offending guilty of a misdemeanour.

It is declared unlawful for any person hereafter to inflict on any Slave, in any one day, for any offence, &c., more than thirty-nine lashes, or to whip any Slave unless he shall be free from any laceration occasioned by former whipping.

And the owner, or other person authorizing the punishment, must be present and witness the whole of the punishment.

9th.—And be it further enacted by the authority aforesaid, that it is, and henceforth shall be unlawful for any person or persons within these said islands to inflict in any one day, upon any Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or to inflict upon any such Slave any punishment or correction, by the whipping, scourging, or beating of his person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any previous whipping, scourging, or beating, or to inflict upon any such Slave any such punishment or correction as aforesaid, unless the owner or other person by whose authority the punishment is inflicted shall be present at and witness the infliction of the whole of such punishment; and in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day, upon any one Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or shall whip, scourge, or beat any such Slave at any time, when there may be upon his person any laceration, occasioned by any former whipping, scourging or beating, or shall inflict upon any Slave any such punishment or correction as aforesaid, without the presence and attendance during the whole of such punishment, of the owner or other person by whose authority such punishment is inflicted, then, and in every such case, the person or persons so offending, and such and every the person or persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment or punishments which may be inflicted upon any such Slave, under or by virtue of any sentence or judgment of any magistrate or magistrates, or other court of competent jurisdiction: Provided also, that nothing herein contained shall extend, or be construed to extend, to require the presence of the owner or other person by whose authority the punishment is inflicted, when the same shall be inflicted by the keeper of a jail or supervisor of a workhouse.

Persons offending guilty of a misdemeanour.

Proviso. That nothing herein contained shall extend to any punishment inflicted by any court or magistrate.

Proviso. The owner need not be present when the punishment is inflicted by a jailer or workhouse keeper.

No *female* Slave shall

10.—And be it further enacted by the authority aforesaid, that it is

and henceforth shall be unlawful to correct or punish by whipping or flogging any female Slave within the said islands, for any offence committed by any such Slave, in the presence of any male person, excepting only the owner, or owners of such Slaves or others, by whose authority such punishment is inflicted, and the persons actually inflicting the same; and if any person or persons within the said islands shall whip, flog, or correct any such female Slave otherwise than as aforesaid, then, and in every such case, the person or persons so offending, and each and every person or persons thereunto directing, authorizing, mitigating, or procuring or aiding, or assisting, or abetting, shall be deemed guilty of a misdemeanour.

Females hereafter be stripped in the presence of any male person except the owner, &c.

Persons offending guilty of a misdemeanour.

11.—And be it further enacted by the authority aforesaid, that if any Slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there, are punishable by whipping or flogging, it shall and may be lawful for the owner, manager, or other person or persons in charge of any such offending Slave, at the discretion of any such owner, manager, or other persons in charge as aforesaid, to commute the punishment of flogging, for one or other of the punishments or modes of punishment hereinafter mentioned, that is to say, first, by solitary confinement with or without work, in any fit and proper place, on any plantation or estate or elsewhere within the said islands: Provided that no such solitary confinement shall continue for any greater period, or be of longer duration than fourteen days at a time for any one offence, and that no such Slave shall be subjected to any punishment by solitary confinement more than twenty-one days in any one calendar month: Secondly, by field stocks for confinement of the hands: Provided that the said period of any such confinement shall not at any one time exceed six hours, and shall not be repeated a second time, until twenty-four hours between the time of any such repetition, and the termination of any such previous punishment: Thirdly, by horse stocks for the hands and feet, or either of them, with or without seats during any period of the day: Provided that the period of any such confinement shall not exceed four hours for any one offence, and that no such punishment shall be repeated twice within the period of twelve hours: Fourthly, by bed stocks for the confinement of the feet during the night: Provided that no such punishment shall be repeated within the period of twelve hours: Fifthly, by distinguishing dresses to be used either with or without the stocks: Provided that such punishment be not continued for any longer period than ten days for any one offence, and that the same be not repeated within one week between the time of any such repetition and the termination of any such previous punishment.

The punishment of Slaves by flogging may be commuted for any of the modes of punishment after mentioned.

1st. Solitary confinement with or without work.

2d. By field stocks.

3d. By horse stocks.

4th. By bed stocks.

5th. By distinguishing dresses.

The duration of the punishment, and the interval before the repetition of it defined.

12.—And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid, at an earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the Slave confined therein, or to inflict any permanent injury on his or her person; or shall fail to supply the Slave undergoing any such punishment, where the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman, known or supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of a miscarriage, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

Persons violating the provisions of the last, *as more fully explained in this section*, shall be guilty of a misdemeanour.

13.—And whereas the improvement which has been for several years past in progress in the moral condition of the Slave population of these islands, renders it at this time safe and expedient to admit Slaves with certain exceptions, and under certain restrictions to give evidence in cases, civil and criminal: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all Slaves not being natives of Africa who shall have resided in this colony five years and upwards, and who shall have been sufficiently instructed in the Christian religion to under-

Evidence of Slaves.

Slaves admitted to give evidence with certain exceptions and under certain restrictions, in civil and criminal cases.

Must not be natives of Africa, must have resided five years in the colony, and under-

stand the nature and obligation of an oath. Admitted as witnesses in all *civil cases* (except, &c.) in the civil courts and before all magistrates.

stand the nature and obligation of an oath to be certified as is hereinafter set forth, shall, during the continuance of this Act and no longer, be admitted as witnesses in all civil cases (except as is hereinafter excepted) in the several courts of these islands, and before all magistrates and other authorities legally competent to administer oaths: and also in like manner in all criminal cases (except as is hereinafter excepted) prosecuted or to be prosecuted by way of indictment according to the course of the common law; it being hereby provided, and it is hereby further enacted, that no Slave shall under any pretence be admitted to give evidence in the prosecution of free persons by way of libel, plaint or other proceedings at law in cases of penalty or forfeiture or otherwise, on any account whatsoever, when the facts of the same are tried or liable to be tried otherwise than by trial by jury according to the usual course of the common law, or some Act or Acts of the General Assembly of these islands; neither shall any Slave be admitted to give evidence in the prosecution of free persons by way of information *ex officio*, or otherwise in any court of law or equity, even in cases in which the parts of the case may be tried by a jury.

In *criminal* cases (except, &c.) prosecuted by way of indictment according to the common law.

Proviso. Not to give evidence on prosecution of free persons by way of libel or other proceeding in cases of penalty, &c., where the facts may be tried otherwise than by a jury. Nor any *ex-officio* information although the facts may be tried by a jury.

Clergymen of the established church of England, and ministers of the kirk of Scotland, authorized to grant certificates of competency to Slaves by name and description.

14.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, shall be and he is hereby authorized to transmit and deliver under his hand to the clerk of the crown, certificates setting forth the names or name and places or place of abode of any Slaves or Slave, together with the name or names of the owner or owners, and the colour and probable age of each, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; and the said clerk of the crown to whom any such certificates shall have been so transmitted or delivered, shall forthwith register the same in a book to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, together with the name or names of the owner or owners, and the colour, size, and probable age of each and every Slave mentioned and included therein, and for every such certificate so registered by the clerk of the crown he shall be entitled to the sum of two shillings to be paid to him quarterly by warrant of the governor or commander in chief in council on the treasurer of the colony, in the same manner as other quarterly accounts against the public are usually rendered and paid: Provided always, that nothing herein contained shall be held or in any manner construed to prevent any competent magistrate or jury from examining any witness on his *voir dire* or otherwise, as to his or her religious instruction and capacity to understand the nature and obligation of an oath, and decide accordingly as to the competency or credibility, as the case may be, of all such witnesses, any such certificates as aforesaid to the contrary notwithstanding.

To be registered by the clerk of the crown, his fee 2*s.* currency to be paid by the colony.

Proviso. Notwithstanding such certificate of competency, Slaves may be examined on their *voir dire* as to their religious instruction and capacity.

15.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or be considered incompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, in any case or cases in which Slaves shall be competent to give evidence in pursuance of the provisions of this or any other Act of the General Assembly of these islands, and not otherwise, by reason of his or her being in a state of Slavery, if the person or persons by whom such Slave may be produced and tendered as a witness, shall also produce and exhibit to the court a certificate under the hand of the said clerk of the crown, that such proposed witness is registered in the before-mentioned book; and the said clerk of the crown shall, and he is hereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book: Provided always, that no person being in a state of Slavery shall be admitted to give evidence in any case wherein a white person may be charged with, or prosecuted for any offence punishable with death, or against the owner or owners of such Slave or Slaves, in any common prosecution whatsoever: Provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a

The person by whom a Slave is produced as a witness, must also produce to the court a certificate that such proposed witness is registered. This certificate to be given gratis.

Proviso. A Slave not admitted to give evidence against a white person charged or prosecuted for an offence punishable with death, nor against his owner in any criminal prosecution whatever.

competent witness in the law in any case in which such Slave would be incompetent to give evidence if he or she were a white person, or to depart, take away from, or diminish any power or authority which any court of criminal justice within the said islands now already hath, to admit in any case the evidence of persons being in a state of Slavery.

This Act not to render a Slave competent witness in any case in which he would be incompetent if a white person, nor to diminish the power which any court already hath, to admit in any case the evidence of a Slave.

16.—Provided nevertheless, and be it further enacted by the authority aforesaid, that no Slave to be admitted as a witness, under and by virtue of this Act, shall be allowed to give evidence of any fact whatsoever, which may have been committed, or alleged to have been committed, or to have taken place, in any manner whatsoever at any time previous to the date of the registration of his or her competency with the clerk of the crown as aforesaid, anything herein contained to the contrary notwithstanding.

Slaves not to give evidence of any fact committed previously to the registration of their competency.

17.—And be it further enacted by the authority aforesaid, that no Slave shall on any account, or under any pretext, or on any pretence whatsoever, in any cause, civil or criminal, or any proceedings in or concerning the same in any court of law or equity, or before any magistrate or other authority lawfully competent to administer oaths, be admitted to give any manner of evidence, either by way of affidavit, deposition, declaration, or examination under oath or otherwise, of any fact or circumstance whatsoever, either directly, indirectly, or by implication, incidently or in any manner whatsoever, touching any right or claim, or supposed right or claim of any Slave or Slaves, or asserted Slave or Slaves to be or become free, or in any manner exempt from his, her, or their obligation of servitude, or asserted obligation of servitude to the owner or owners, or asserted owner or owners of such Slave or Slaves, or in any manner to affect the full and complete right, title, claim and authority of such owner or owners, or asserted owner or owners, into, or over such Slave or Slaves as such; and should any such forbidden evidence as aforesaid, be through ignorance, inadvertency, or otherwise, in any manner admitted or taken as aforesaid, contrary to the foregoing provisions of this Act, and the true intent and meaning thereof, all such evidence shall be, and be held and considered as illegal and of none effect whatsoever.

Nor in any case directly or indirectly touching the claim of any Slave to freedom.

18.—And be it further enacted by the authority aforesaid, that Slaves shall not under any circumstances be competent witnesses to attest or prove the execution of any deed, or other instrument of writing, or the making and publishing of any last will and testament, or document at any time intended for such manumitting or relating to the manumission of any Slave or Slaves, whether with or without conditions, limitations, or restrictions, or in any manner whatsoever, or conveying, bequeathing, assigning, transferring, or disposing of any Slave or Slaves, or in any manner affecting the right, title, interest or property of any person or persons whatsoever, in or to the same: Provided however, that Slaves duly qualified to give evidence as aforesaid, if sufficiently literate to read and write, shall be competent to attest and prove the execution of all other deeds, wills, and instruments of writing: And provided also, that the attestation of any such last-mentioned instruments by a Slave duly qualified to give evidence as aforesaid shall be, and be held good and valid in law as to such part or parts of the said last-mentioned instruments, as shall not in any manner relate to the manumission of, or other disposition of property in Slaves: And provided also, that nothing hereinbefore contained shall be held, construed, or understood in any manner to prevent Slaves duly qualified as aforesaid, from being competent to give evidence in any matters concerning the right, title, and interest of other Slaves, in and to any goods or effects, real or personal, debts, covenants, or promises, or offences, or injuries committed by or against the person or property of a Slave, wherein no question of freedom, or one touching the property of any free person in Slaves, shall be directly or indirectly involved.

Nor shall a Slave be a competent witness to prove the execution of any deed or writing, or any will intended for the manumission of a Slave, or conveying or bequeathing Slaves.

Proviso.

That Slaves duly qualified to give evidence, if sufficiently literate to read and write, may attest and prove other deeds and wills.

And the attestation of a Slave to any such last-mentioned instruments shall be valid as to such parts of them as do not relate to the manumission, or disposition of property in a Slave.

And Slaves duly qualified may give evidence concerning the right of Slaves to goods, or effects, or real estate, debts, covenants, or promises, or offences, or injuries wherein no question of freedom, or touching the property of free per

Slaves may be involved.

19.—And be it further enacted by the authority aforesaid, that the evidence of Slaves duly qualified as aforesaid, shall (except in the several cases hereinafter excepted, or concerning which provision is otherwise made in and by this Act) be admitted under oath received, taken and acted on in the same

The evidence of Slaves (duly qualified) shall, except as hereinafter excepted, be received and taken under oath as the

evidence of others is taken, and subject to the same rules, except that no Slave shall be examined *debene esse*, or otherwise than *vivâ voce* in open court.

manner and to the same effect in all respects, as the evidence of others is now or may be admitted and taken in similar cases, and subject to the same rules of law and practice, except that no Slave shall be in any case examined *debene esse* in any cause by commission, or rule of court, or otherwise than *vivâ voce* in open court: Provided however, that when any Slave admitted to give evidence (whether in fact qualified according to the provisions of this Act or not,) shall on any occasion commit wilful and corrupt perjury, or if any Slave shall be guilty of subornation of perjury in or touching any causes, trials, or other proceedings in the General Court, or Court of Admiralty Sessions, or in any affidavit, examinations, or other proceedings before magistrates, coroners, or other authorities, in which suits or prosecutions in the General Court, or Court of Admiralty Sessions are usually grounded, the parties charged with such perjury, or subornation of perjury, shall be tried for the same in the said General Court, but in all other cases of perjury, or subornation of perjury by Slaves or others, liable to be tried in Slave Courts according to the form and effect of the Act of Assembly already in such case made and provided; and on the conviction of every Slave as aforesaid, either in the General Court, or other court of competent jurisdiction in the premises, of wilful and corrupt perjury, or subornation of perjury, the party convicted shall be forthwith punished with not more than one hundred nor less than fifty lashes, publicly inflicted on the bare back, and shall be conspicuously and indelibly branded by a hot iron brand in the middle of the forehead or cheek with the letter P, of at least one inch and three quarters of an inch in length, and shall further be and remain utterly disqualified for giving evidence, or deposing under oath in any case or legal proceedings whatsoever, for ever afterwards.

Perjury and subornation of perjury, how punished.

To remove the doubts of conscientious persons.

20.—And whereas doubts have been entertained by sundry conscientious persons within these islands, whether the evidence of any one or more competent witnesses, when not contradicted or impugned by other evidence, is not legally entitled to full faith and credit, notwithstanding that the court and jury may have good cause to question the veracity of the witnesses on the truth of their statements: *And whereas*, on that account, objections have been taken to the admission of Slave evidence altogether, and it is therefore expedient that all such doubts should be removed: Be it further enacted and declared by the authority aforesaid, that whensoever any witnesses whatsoever, white, black, or coloured, free, or Slaves, are examined as witnesses by or before any court, judge, or judges, magistrate, or magistrates, or other lawful authority in this behalf, or by or before any grand, special, or petit jury, or inquest, of whatsoever nature such inquest shall or may be, it shall and may be competent for all such courts, judges, magistrates, and other authorities aforesaid, and for all such juries, to discredit and reject either wholly or in part, the evidence of all such witnesses, although the same shall not have been actually contradicted or impugned by other evidence at the same trial, investigation, or inquiry, whensoever from the notorious bad character, or obvious ignorance or incapacity of any witness so examined, the great improbability of the truth of the witness's statements, the inconsistency of such statements on comparison of one part of the same with another, or any fair ground of violent presumption that the testimony of the witness is given under the influence of vindictive or dishonest motives, or any direct though latent interest in the cause,—credence shall and may be conscientiously refused to the evidence in question.

Reciting the Act for granting a further extension of privileges to certain free persons of colour, and the proviso therein contained, and in this section set forth, and that it is expedient to amend such proviso.

21.—And whereas, in and by an Act passed in the fourth year of his Majesty's reign, entitled "An Act for granting a further Extension of Privileges to certain free Persons of Colour in certain Cases" it is enacted that all creole Negroes, Mulattoes, and other persons of colour born within these islands, or elsewhere, although not free at the time of their birth, but who shall have been lawfully manumitted by bequest, deed of gift, or otherwise, and who shall have actually and *bonâ fide* enjoyed a state of freedom for the space of five years at least, within these islands, and professing the Christian religion, shall be admitted to all the rights, privileges and immunities of persons of colour born free, within these islands, within the intent and meaning of this (the last above recited) Act; provided however that

no such manumitted person or persons shall be allowed to give evidence of any treason, felony, misdemeanour, or other offence against the peace or trespasses with force, which may or shall have been committed, or alleged to have been committed, previous to their emancipation; and whereas it is expedient that the said proviso should be amended: Be it further enacted by the authority aforesaid, that all manumitted Slaves who while in a state of Slavery shall have been duly registered under the provisions of this Act in the office of the clerk of the crown as competent witnesses shall be allowed to give evidence as to any fact or facts committed, or alleged to have been committed, or to have or in any manner taken place subsequent to the date of their said registration, anything in the said last above recited Act to the contrary notwithstanding. Provided however that such manumitted Slave shall not be competent to prove any fact or facts which shall have been, or alleged to have been, committed or to have taken place in any manner whatsoever, at any time between his or her registration of competency as aforesaid, and his or her emancipation, which shall or may bear in any manner directly, or indirectly, on any question as to the freedom or right to freedom of any Slave, or asserted Slave, or affect the life of any white person, or the person, liberty, or property of his or her late owner or owners in any criminal prosecution whatsoever.

It is enacted that all manumitted persons who while Slaves shall have been duly registered under this Act shall be allowed to give evidence of any fact committed subsequently to their registration.

But not any question of freedom of a Slave, not in any case affecting the life of a white person, or the person, liberty, or property of his former owner in any criminal prosecution.

22.—Provided, however, and be it further enacted by the authority aforesaid, that no writ of *subpœna ad testificandum*, or other process of like nature, shall be issued out of any court, or by any magistrate or other authority, to be addressed to or served upon any Slave or Slaves whatsoever, in any case, civil or criminal, or in any manner whatsoever, and the issuing or service of any such writ or process shall be, and be held void, and of none effect to all intents and purposes whatsoever, anything in this Act before contained to the contrary notwithstanding; but when the evidence of any Slave or Slaves shall, or may be on any occasion lawfully required, the court in or magistrate or other authority before which such evidence shall or may be so required, shall have authority to issue a writ or process in the nature of a *habeas corpus ad testificandum*, to be addressed to the owner, employers, or others, having actual possession or charge of such Slave or Slaves, commanding the said owners or others as aforesaid, to produce the body or bodies of such Slave or Slaves, naming them particularly, and designating their place of abode, and the name or names of the owner or owners, and the colour, sex, and probable age of such Slave or Slaves, according to their registration respectively in the office of the clerk of the crown as aforesaid, in pursuance of this or any other Act of assembly, in such case made and provided, at a certain time and place to be therein appointed, before such court, magistrate, or other authority as aforesaid, to give evidence as aforesaid, and the names and descriptions as aforesaid, of any number of Slaves being actually the property of or under the charge of the same person or persons, shall and may be included in the same writ or process of *habeas corpus* as aforesaid; and in case of refusal or neglect to obey any such last mentioned writ or process aforesaid, those who shall so refuse or neglect to obey the same, shall be liable to all and singular the same pains and penalties, suits and actions, as parties in contempt being free persons, for disobedience to a *subpœna ad testificandum* addressed to themselves by the said courts, magistrates, or other authorities as aforesaid respectively are, or would be liable to, and in the same manner and form, and to the same effect in every respect whatsoever, and for each and every Slave so to be produced in obedience to any writ or process of *habeas corpus* as aforesaid herein provided for, the owners or others having charge of such Slave or Slaves shall be entitled to receive from the party requiring the evidence of such Slave or Slaves, or from the public, when such evidence shall or may be required on the part of the crown, in any criminal prosecution, the same allowance in all respects for travelling expenses and subsistence, as are and may be lawfully demanded by free persons subpœnaed to give evidence in like cases: Provided, however, that in all civil cases, no writ or process of *habeas corpus* as aforesaid, shall be issued as aforesaid, commanding the production of any Slave or Slaves as witnesses as aforesaid, until after the party applying for such last mentioned writ or process shall have made affidavit, or cause the same to be made by some one or

No *subpœna ad testificandum* shall be served on any Slave, but when the evidence of a Slave is required, the mode of proceeding to obtain it is pointed out in this section.

more competent and credible person or persons before the court, or some judge thereof, or the magistrate or other authority aforesaid, before which such Slave or Slaves is or are about to be required to be produced for the purposes aforesaid, stating under oath that the evidence of such Slave or Slaves is absolutely material in the cause or matter in which such Slave or Slaves is or are to be examined, and that the party applicant does not require the production as aforesaid, of more than two of the said Slaves, to any point at issue in the said cause or matter in which they are to be examined as aforesaid, or any one or more Slaves to any point, matter, or thing concerning which such Slave or Slaves shall be legally incompetent to testify or give evidence, according to the provisions of this Act, or of any other Act of the General Assembly of these islands, or of the practice of the courts of these islands, all which affidavits shall in the General Court be made according to the form and effect of the blank form unto this Act annexed, and in all other courts, and before all magistrates and other authorities aforesaid, the same in substance, and as nearly as may be, in form also, changing only what it may be necessary to change, so as to suit the style and practice of such other courts and authorities aforesaid respectively; and when any person or persons, shall in any such affidavit as aforesaid, wilfully depose to any statements therein knowing the same to be false, or not knowing the same to be true, he, she, or they shall be held guilty of wilful and corrupt perjury, and he, she, or they, and any person or persons who shall suborn another or others, so to commit wilful perjury as aforesaid, in any such affidavit as aforesaid, shall be liable to prosecution and punishment for wilful and corrupt perjury, or subornation of perjury, (as the case may be,) as is hereinbefore provided in such cases. And provided also that in such cases of criminal prosecution at the suit of the crown, such writ or process of *habeas corpus* as aforesaid, shall be issued only by the especial *fiat* of some judge, magistrate, or authority aforesaid, and shall require the production only of such Slave or Slaves, the materiality or probable materiality of whose evidence shall distinctly appear in and by one or more of the affidavits or examinations already taken in or concerning the same matter:

Proviso. In cases wherein Slaves are competent witnesses, criminal prosecutions may be grounded on their voluntary affidavits.

Provided however, that nothing herein contained shall be taken, or in any manner understood, to prevent criminal prosecutions from originating in or being grounded on the voluntary affidavits or examinations of Slaves under oath, in all cases in which they may be competent witnesses according to the provisions of this Act.

Owners of Slave when producing them to give evidence under *habeas corpus* to be allowed a reasonable compensation, to be awarded by court or magistrate.

23.—And be it further enacted by the authority aforesaid, that whensoever owners or others in actual charge of any Slave or Slaves shall be served with any writ or process of *habeas corpus* aforesaid, requiring the production of any such Slave or Slaves, for the purposes aforesaid, or any of them, and the said owners or others in charge as aforesaid, shall attend in person with the said Slave or Slaves, in order to produce the same as aforesaid, or shall employ others to produce the same as aforesaid, there shall be allowed to such owners or others as aforesaid, so employed in producing the said Slave or Slaves, such reasonable compensation as the court, magistrate, or other authority as aforesaid may award for their expenses and trouble in conducting such Slave or Slaves to such court, magistrate, or other authority as aforesaid, there producing the said Slave or Slaves for the purposes aforesaid, and reconducting such Slave or Slaves to his, her, or their places of employment, to be paid by the parties respectively requiring the testimony of such Slaves, or the public, as hereinbefore provided in prosecutions on the part of the crown, all which compensations and expenses last aforesaid shall in all civil cases be taxed with other costs against the parties, eventually liable to pay the same, unless when it shall appear to the court that a needless expense has been incurred through malice, wantonness, or folly, in requiring the production of unnecessary Slave witnesses, in which cases all such needless expenses shall be taxed only against the party which shall so have incurred the same.

Slaves required to give evidence, shall upon the issuing of any such *habeas corpus* remain in the exclusive charge of their owners.

24.—And be it further enacted by the authority aforesaid, that from and after the issuing of any such writ or process of *habeas corpus* as aforesaid, the Slaves therein named, shall nevertheless be and continue, and be considered as being wholly and exclusively in the charge, custody, and keeping of their owners or others acting directly or indirectly under the authority

of such owners, or their lawful personal representatives, excepting only while such Slaves shall be actually under examination before any such court, magistrate, or other authority as aforesaid, during which time, and no longer, the said Slaves shall be held and considered subject exclusively to the authority and under the immediate protection of such court, magistrate, or authority aforesaid, anything in this Act contained to the contrary notwithstanding: Provided however, that in all cases of prosecution for treason, felony, or breach of the peace, it shall and may be lawful for all judges, magistrates, and coroners to commit to safe custody, for the purpose of being produced and examined as witnesses in such prosecutions, any Slave or Slaves, who on their confession, or the evidence of others under oath, shall and may be considered material and legal witnesses on the part of such prosecutions, unless the owners of such Slaves or others duly qualified on their behalf, shall enter into recognizance conditioned for the production of such witnesses at the trial of such prosecutions in like manner as recognizances are or may be by law required, conditioned for the appearance of witnesses in like cases.

Except when actually under examination.

Proviso. That Slaves to be examined as witnesses in treason, felony, &c., may be committed to custody unless their owners enter into recognizance for their appearance.

25.—And be it further enacted, that the costs and charges be allowed upon any such writ or *habeas corpus ad testificandum* as aforesaid, and the service thereof shall be the same in all respects, as those chargeable by law on a writ of *subpœna ad testificandum* and no more.

Costs and charges on the *habeas corpus* regulated.

26.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, so much and such parts of the above-recited Act, to which this Act is an amendment, as relate to marriages between Slaves, and between Slaves and persons of free condition be, and the same are hereby declared to be, suspended during the continuance of this Act.

Marriages of Slaves. So much of the Act (4 Geo. IV.) to which this Act is an amendment, as relates to marriages between Slaves and between Slaves and persons of free condition, is hereby *suspended*.

27.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for Slaves, by and with the consent of their owner or owners, and not otherwise, to intermarry with Slaves, and with persons of free condition in manner and form and to the same effect and according to the same laws, restrictions, and provisions canonical and civil, as marriages are now or may be solemnized between free white persons in these islands, with the exception that a permission or consent in writing of the owner or owners of such Slave or Slaves so to intermarry, shall supersede the necessity in any publication of banns or other license whatsoever: Provided that such permission shall be delivered under the hand or hands of such owner or owners, to the officiating minister, or magistrate, or other person authorized to solemnize such marriages, at least fourteen days before the solemnization of any such Slave marriages, and that the same shall be solemnized on a Sunday, in the usual public manner, and in some church or public place of religious worship, when there shall be such within a reasonable distance of the residence of the parties to be so married, between the hours of eight in the morning and twelve at noon.

Marriages of Slaves. Slaves may lawfully intermarry with Slaves, or with persons of free condition, with the consent of their owners, and not otherwise, in the same manner as free white persons, except that the consent of the owner shall supersede the necessity of banns or license.

The permission of the owner to be in writing, when to be delivered to minister, &c., and how and where such Slave marriages shall be solemnized.

28.—And be it further enacted by the authority aforesaid, that in and by virtue of every permission or consent of the owner or owners of such Slave or Slaves as aforesaid, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands being a free white person and carrying on there no other business, profession or occupation with a view to profit, except that of a schoolmaster, (or in case there shall be no such clergyman, minister, or public teacher of religion on the island or quay whereat such marriage is to be celebrated, then any justice of the peace there) shall be authorized to solemnize the marriage of such Slaves or of such Slave and free person: Provided always that no such public teacher of religion (not being a clergyman of the church of England, or a minister of the kirk of Scotland) shall be so authorized to solemnize any such marriage, unless the governor or commander in chief for the time being shall have first granted to such public teacher, a written license to celebrate marriages, nor unless such license shall have been duly registered in the proper office of this government, and shall continue to be in force at the time of his being so authorized to solemnize any such marriage.

After the permission of the owner obtained, by what minister or other person the marriage may be solemnized.

By justice of peace if no clergyman.

In what case the person solemnizing the marriage must be authorized to do so by the governor's license continuing in force.

29.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or

justice aforesaid, upon and after the receipt of any such permission aforesaid, forthwith to solemnize any such marriage as aforesaid, and the same when solemnized, shall be to all intents, constructions, and purposes whatsoever, binding, valid, and effectual in the law: Provided nevertheless, that no such marriage shall confer or be construed to confer on any such Slave or Slave, or on his, her, or their issue, any right or interest inconsistent with the duties which shall or may be owing by the said Slave or Slaves, to his, her, or their owner or owners, or to the government, or be at variance with those rights which the owner or owners and the government respectively are by law entitled to assert and exercise over such Slave or Slaves and their progeny.

Proviso. That no such marriage shall confer on a Slave or his issue any right inconsistent with the duties owing by him to his owner or to the government, &c.

30.—And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized by virtue of any such permission as aforesaid, shall, within six months after any such solemnization, transmit (under a penalty of not more than twenty pounds of lawful money of the said island, nor less than ten pounds of like money for every refusal and neglect) a certificate of such solemnization to the secretary of these islands at his office in Nassau; and the said secretary shall register in a book to be kept by him for that purpose, every marriage which may have been so solemnized, with the date thereof, and the names, descriptions, and places of *abode* of the parties contracting, and of the persons solemnizing every such marriage without any fee or charge whatever.

The person by whom such marriages shall be solemnized shall within six months, transmit (under a penalty of not more than twenty pounds) a certificate of such solemnization to the public secretary at Nassau to be recorded.

31.—Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to render any marriage between a Slave and Person of free condition valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

No marriage between a Slave and a person of free condition shall be valid, which would be void between persons of free condition.

32.—And be it further enacted by the authority aforesaid, that all sales, bargains, gifts, grants, bequests, and other conveyances of Slaves, whether under seal or otherwise, or by indenture or otherwise, the purport of which shall be to separate famalies contrary to the provisions and true intent and meaning of the first above-recited Act to which this Act is an amendment, shall be, so far as related to any such separations, null and void in law and equity, to all intents and purposes whatsoever.

Separation of families. All sales, bequests, and conveyances under seal or otherwise for the purpose of separating families contrary to the provisions of the Act to which this Act is an amendment, shall be null and void.

33.—And be it further enacted by the authority aforesaid, that no market whatsoever shall be held within these islands on any Sunday throughout the year, for the sale of any goods, wares, or merchandise whatsoever, either by Slaves or persons of free condition, under the penalty of the entire forfeiture of all such goods, wares, and merchandise, which may be offered or exposed for sale at any such markets. And it shall be lawful for any magistrate or constable to levy upon, seize, and sell or cause to be sold all such goods, wares, and merchandise so found for sale at such markets, and apply the proceeds of the sales thereof in the manner following, that is to say, one half to be paid into the treasury of these islands in aid of defraying the expenses of the government thereof, and the other half to such use and uses as the seizor may think proper: Provided nothing herein contained shall be construed to prevent the sale at any public market or markets of butchers' meat, fish, poultry, eggs, milk, or vegetables, or other like articles for immediate consumption, at any time between sunrise and nine o'clock in the morning of all Sundays as aforesaid, at which hour of nine in the morning of Sundays as aforesaid, all such markets shall be closed under the penalty of twenty pounds of lawful money of these islands, to be paid by the clerk or other superintendent of such market, for every such neglect; and all persons presuming to frequent any such markets for the purchase, sale, or barter of any articles whatsoever on any Sunday after the said hour of nine o'clock in the morning of that day, shall be liable to a penalty of five pounds each for every offence: to be recovered by, and to the use of, any person or persons of free condition who may sue for the same.

Sunday Market. No market whatever to be held on Sunday for sale of any goods or merchandise under penalty of the entire forfeiture thereof; to be seized by any magistrate or constable.

Application of the proceeds.

Butchers' meat, fish, milk, &c., excepted, if sold between sun rise and nine o'clock in the morning.

When the market shall be closed by the clerk under penalty of twenty pounds.

Five pounds penalty on persons unlawfully frequenting such market.

34.—And be it further enacted by the authority aforesaid, that all warehouses, stores, shops, and other like establishments, for the sale or barter of any goods, wares or merchandise within these islands, as well as all shops, booths, and other places in which liquors shall or may be sold by retail or otherwise, with or without license for that purpose, shall be and continue

All warehouses, shops, &c., for the sale of goods, and all liquor shops shall be shut from nine on Saturday night until daylight on Monday morning.

shut from and after nine o'clock on any Saturday night, until daylight on the ensuing Monday morning; and all persons presuming to open or keep open any such warehouse, store, shop or booth, during the hours last limited, or shall traffic or barter therein, whether shut or open, in or for any manner of goods, wares, merchandise, or liquors as aforesaid, within the same hours so limited as aforesaid, shall be liable to a penalty of twenty pounds each for every such offence, to be recovered as is hereinafter provided, and applied one half to the use of his Majesty's government within these islands, and the other half to any person or persons of free condition who shall or may sue for the same.

Penalty of twenty pounds, persons offending, and the application of it.

35.—Provided, however, and be it further enacted by the authority aforesaid, that nothing hereinbefore contained shall be construed, or understood to prevent, or in any manner render penal, the sale of medicines for the use of the sick, or other articles usually employed in the practice of medicine, surgery, or pharmacy, or the keeping open of any shops or stores for the sale of the same at any time whatsoever.

The sale of medicines not rendered penal.

36.—And whereas, by the usages of the Bahama Islands, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is deemed expedient that such custom shall be recognised and established by law, and that provision should be made for enabling such Slaves to invest their said property in good security: Be it further enacted by the authority aforesaid, that no person in the said islands, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed, or taken to be, incompetent in the law to purchase, inherit, acquire, possess, hold, occupy, enjoy, alienate or dispose of property, but every such Slave shall be, and is hereby declared to be, competent in the law, to inherit, purchase, acquire, possess, hold, occupy, enjoy, alienate or dispose of lands, situate within the said islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or of the like nature, of what value or amount soever, and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes, as if he or she were of free condition: Provided nevertheless, that every such suit or action shall be prosecuted or defended by *prochain ami* or guardian, to be for that purpose by the said court to him or her assigned in that behalf, in such and in the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of ten pounds in the world, the wearing apparel of him or her and the matter in controversy excepted, to suffer the party so applying being a Slave to prosecute or defend any such suit or action in *formâ pauperis*: Provided always that every such *prochain ami* or guardian shall be a person of free condition, and that nothing herein contained shall extend, or be construed to extend, to authorize any Slave to acquire or become the owner of a Slave or Slaves, or of any fire-arms, gunpowder, or ammunition without the especial permission of their owners, or others having charge of them respectively.

The property of Slaves.

Slaves declared competent to hold, inherit, purchase, and dispose of lands, money, cattle, &c., of what value soever, and maintain and defend suits in respect thereof, as persons of free condition.

Proviso.

Actions to be brought or defended by *prochain ami* or guardian, and in some cases in *formâ pauperis*.

Prochain ami to be of free condition.

Slaves not to become the owner of a Slave, or of fire-arms, gunpowder, or ammunition, without consent of owner.

37.—And for the better preserving of the property of any such Slaves, Be it further enacted by the authority aforesaid, that from and after the twenty-fifth day of March next, the receiver general and treasurer of the colony shall open a chest of deposit, in which all Slaves shall be allowed to deposit any monies which they may think proper to place therein for the safe keeping thereof, and all deputy receivers general throughout these islands, shall in like manner keep like chests of deposit for the benefit of Slaves within their respective districts; and for their trouble in receiving and paying back such monies, the said treasurers and deputy receivers general shall be entitled to a commission of three per cent. payable by the parties depositing any such monies, when such monies shall be drawn out of the said chest at any time within twelve months after the time of depositing the same, and in all other cases by the country in the same manner as other commissions are charged on other monies payable into, and out of the treasury of these islands.

After 25th of March, 1827, the receiver general and his deputies to open chests of deposit for the money of Slaves.

Commission of three per cent payable by the party depositing, if drawn out within twelve months, otherwise by the country.

Any Slave making such deposit, may declare to whom such deposit shall be paid at his death; and such declaration shall be recorded &c. and such declaration in the absence of any other, shall be deemed to be his last will.

38.—And be it further enacted by the authority aforesaid, that any Slave making a deposit in any such chest, shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied, or disposed of, and such declaration shall be recorded in a book to be kept for that purpose by the said receiver general, and his deputies, where any such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed and taken to be the last will and testament of such Slave in the absence of any other last will and testament; and in case any Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be a revocation in the law of any such declaration; and if any Slave shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his or her death, then and in every such case, the property of such Slave shall go and be disposed of to, and in favour of such persons or person as by virtue of any Act or Acts of parliament for the distribution of the effects of intestates in force within the colony, would be entitled to any such property: Provided however, that in the absence of all legitimate issue and connexions of any such deceased intestates, the goods and chattels, and other property of the estate of all such deceased intestates shall be distributed among their putative children and connexions in the same manner as if they were legitimate; and provided also that all lands and lots of land, with the buildings and other improvements thereon, as well as all other hereditaments of Slaves, shall be considered as personal property only, and chattels to all intents and purposes, as well for the satisfaction of the debts of any Slave during his or her lifetime, as to be assets in the hands of his or her executors or administrators liable to his or her debts after his or her death, and to distribution among his or her kindred as aforesaid, as personal chattels in manner hereinbefore provided for.

Marriage to be deemed a revocation of such declaration.

The property of a Slave dying intestate and without having made such declaration, shall be disposed of according to the statute of distribution of intestate's effects.

In default of legitimate issue and connexions, the putative children and connexions shall take it as legitimate.

And lands shall be considered as personal estate.

No deposit exceeding two pounds to be received at any one time, or in any one week, unless the receiver general, &c. shall be satisfied that the owner has had ten days' notice of the Slave's intention to make a greater deposit.

How such notice may be proved.

39.—And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of two pounds of lawful money of the said islands, in the whole, shall at any one time, or in any one week, be so received in deposit as aforesaid, unless the said Slave at the time of tendering such other or greater deposit, shall make it appear to the satisfaction of the treasurer or deputy receiver general, that the owner or owners of such Slave, or other person or persons having charge of such Slave, have or has had at least ten days' full and sufficient notice of the intention of such Slave to make such last-mentioned deposit, which notice may be proved either by an acknowledgment in writing of the said owner or owners, or others in charge as aforesaid, or by the affidavit of the Slave so wishing to make the deposit last aforesaid, together with one or more persons of character and credit; and all persons swearing to any such affidavit, not knowing the same to be true, shall be held guilty of wilful and corrupt perjury, and on conviction thereof, shall be liable to all and singular the pains and penalties of wilful and corrupt perjury, and to all the disabilities consequent upon such conviction according to law.

Penalty of perjury.

The property of Slaves may be attached for their own private debts.

40.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall contract any debt or debts upon his, her, or their own credit and responsibility, and not for the use and by the express authority of his, her, or their owner or owners, or others having charge of such Slave or Slaves, or shall make themselves individually and personally liable for damages on any account whatsoever, the property of all such Slave or Slaves, whether the said property shall consist of money, goods, rights, credits, or other things of whatsoever description the same may be, shall be liable for the payment of such debts, and the satisfaction of all such damages, and may be proceeded against by writ of attachment in the first instance to be issued upon affidavit of debt or damages as aforesaid, to be made by or on behalf of any party plaintiff in any such proceedings in or before any court of competent jurisdiction as to the amount and nature of the debt or damages sued for, as in cases in which the parties litigant are free persons: Provided however, that no such property shall be so attached unless the said affidavit shall be as full and positive as the nature

What proceedings are necessary before and after attachment.

of the case may admit of, and one of the judges of the court, or the judge or magistrate from which such process may be required, shall endorse an especial order on the writ specifying the amount for which such attachment shall be laid, and the said property whether in the possession of the said Slave or others, shall be taken into the safe keeping of the officer to whom such process shall be addressed, unless sufficient security be to him given, that the person or persons in possession of the same shall hold the same, or the full value of the same, ready to satisfy or answer, so far as the same may go, such judgment as the party plaintiff may eventually obtain in the premises; and if the party defendant shall not appear as by this or some other Act of Assembly is or may be provided for within such time as free persons would be bound to appear upon the service of mesne process on their persons, and defend such suit, the party plaintiff may proceed to judgment by default and execution thereon, in the same manner and form as nearly as may be, and to the same effect as if the suit had been instituted against free persons by personal attachment or summons; and all property so attached as aforesaid, or the value thereof, in whosesoever hands the same may be, shall be applied to the satisfaction of such judgment as the party plaintiff may obtain, whether the suit be defended or not. Provided however, that whensoever the court shall have reason to suspect that the party to whom the attached property shall or may belong, had not good, reasonable, and sufficient notice of the attachment of his, her, or their property as aforesaid, the court shall have full authority and power to stay all proceedings in any such case, until satisfied that such notice has been given; and should any person or persons other than the party defendant be in actual possession of any property so attached as aforesaid, and the person or persons so in possession of the same, shall not within a reasonable time after the service of such attachment, give notice thereof to the owner or owners of such property, all such holders of such property shall be liable in damages to such party sued, for all injury sustained by the same by the reason of such neglect as aforesaid of such holder or holders of the said property as aforesaid. And provided also that whensoever any monies are attached in virtue of this Act in the hands of the receiver general and treasurer, or any deputy receiver general of these islands, the said officers shall hold the said monies liable to all such judgments as may be obtained in pursuance of any such attachment or attachments, but shall not be compellable to give any security for the safe keeping of the same, anything hereinbefore contained to the contrary notwithstanding.

No deposit to be paid out or received except between certain hours on Wednesdays. The receiver general's books considered public records. Open for inspection on payment of one shilling annuity.

41.—And be it further enacted, that no such deposit as aforesaid shall be received or paid out except on Wednesdays between the hours of twelve at noon, and two in the afternoon. And that the books and accounts of the said receiver general and treasurer, and of the said deputy receivers general, shall be and be held and considered to be public records, to which all persons shall have a right of access, with the privilege of inspecting the same, at any time, within the usual office hours of business, on the payment to the person keeping such books or accounts as his fee, the sum of one shilling currency for each inspection.

Persons suspected on reasonable grounds of having attached property in their keeping or power, and refusing to deliver it up, how to be proceeded against.

42.—And be it further enacted, that whensoever any court, judge, or magistrate shall have reasonable grounds to suspect that any person or persons having any property attached in their keeping, possession or power, shall when required to produce the same according to law, have concealed the same or any part thereof, such party may be ruled to shew cause under oath why he, she, or they should not be held in contempt by reason of such concealment, and shall also answer under oath such interrogatories touching the same premises as the said court, judge, or magistrate may think proper to administer to such suspected party, and if it shall appear by the answers of that party that he, she, or they have been guilty of any concealment, embezzlement, or wilful or negligent diminution or deterioration of any such attached property as aforesaid, while in his, her, or their keeping, possession, or power, the said court, judge, or magistrate, shall have authority to commit the said offender or offenders to prison, until he, she, or they shall satisfy and make good to the party

defrauded all losses in the premises: Provided however, that no such proceedings as last aforesaid, shall bar any party defrauded as aforesaid, of any action which they may have against the party so examined, should he, she, or they become purged of his, her, or their contempt in the premises, by false answers to any such interrogations as aforesaid.

Recital.

43.—And whereas it would be attended with great inconvenience to planters and those having establishments for raking salt, or farms for raising corn, cattle, or live stock of any kind for market, if the Slaves employed on or about such plantations, farms, or other establishments as aforesaid, were allowed to deal or traffic in the same articles as those in which their owners deal or traffic: it is hereby further provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood as preventing or intending to prevent the owners of Slaves or others in charge of the same from prohibiting the said Slaves from cultivating any cotton, wool, or Indian or Guinea corn, or from raking salt, or from raising or keeping for breed any cattle or other live stock as aforesaid: Provided such prohibition shall not extend to the cultivation of sugar canes, pease, beans, pumpkins, fruit of any kind, potatoes, yams, garden stuffs, or ground provisions of any kind, corn as aforesaid excepted, or to the cutting of timber, dye woods, or woods of any kind on the lands of them the said Slaves, or of others with the proprietor's permission, and selling the same, or to their dealing and trafficing in any articles in which their owners shall not at the time deal or traffic, or even to their raising cotton, wool, corn, or live stock, or raking salt, when their owners are not themselves actually engaged in raising cotton or corn, or live stock, or in raking salt for sale.

The owners of Slaves shall not be prevented from prohibiting them from cultivating cotton, wool, Indian or Guinea corn, or from raking salt, or from keeping for breed cattle or other live stock; but Slaves shall not be prohibited from cultivating sugar canes, pease, beans, &c.

Or from dealing or trafficing in articles in which their owners do not deal, or even from raising corn and cotton, wool, &c. &c. when their owners are not so engaged.

Manumissions.

44.—And whereas it is expedient that from and after the passing of this Act, no duty or tax, or fee of office whatsoever, shall be paid or payable within the said islands upon, for or in respect of, the manumission of any Slave, or the enrolment of any deed of manumission, save and except a fee not exceeding the sum of eight shillings of lawful money of the said islands, which shall be paid to the public secretary and register of records thereof, for the enrolment of any such deed of manumission; and if any person within the said islands shall hereafter take, demand, or receive any such duty, tax, fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding forty pounds, and not less than twenty pounds of lawful money of said islands, to be recovered and applied in manner hereinafter directed.

No tax or fee of office to be hereafter paid in respect of the manumission of a Slave, or the enrolment of the deed of manumission, except eight shillings currency to the public secretary for the enrolment.

45.—And be it further enacted by the authority aforesaid, that if any person being in a state of slavery within the said islands, shall be desirous to purchase his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of any such Slave, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of herself, or of any such person as aforesaid, at such price, and upon such terms, conditions, and stipulations, as shall or may be agreed on by and between the parties interested in such sale and purchase, and all such agreements, *bonâ fide* entered into for that purpose, shall be good, binding, and valid in law, whether verbal or in writing, the condition of the one or more of the contracting parties being that of slavery, at the time of his, her, or their entering into such agreement or agreements to the contrary notwithstanding.

Any Slave who shall be desirous of doing so, may lawfully purchase his or her freedom, or the freedom of his or her wife, husband, child, or brother, or sister, or reputed wife, &c. &c., at such price and on such terms as may be agreed upon between the parties; and such agreements *bonâ fide* entered into, shall be binding notwithstanding the condition of one or more of the contracting parties should be that of slavery.

46.—And be it further enacted by the authority aforesaid, that should any difference exist between the parties aforesaid, as to the price or value at which the Slave or Slaves in question shall or may be entitled to freedom, it shall be the duty of, and it shall and may be lawful for any magistrate, on the application of either party aforesaid to him made, either directly or indirectly, to call to his aid any one or more other magistrate or magistrates; and it shall be the duty of the said magistrates when convened, and they, or any two of them, when so convened, shall have full power and authority to summon and cause the parties aforesaid to appear before them, and endeavour to accommodate all differences between them to the satisfaction of both, but failing therein, to cause two referees to be named, one by or on the part of the owner or owners of the Slave or Slaves in question, and the other by or on the part of the said Slaves with

If any difference shall exist as to price or value of the Slave, a magistrate may be applied to, who, if necessary, shall appoint two referees, one on part of the owner, and one on part of the Slave with their consent; and such referees with the assistance of the magistrate shall determine the amount of compensation to the owner.

their consent and approbation, and the advice and assistance of the said magistrates; and it shall be the duty of the said referees, after diligent investigation of all matters submitted or offered to their consideration by the said parties, to award and determine the amount of such compensation as, in their opinion, the owner or owners of such Slave or Slaves, shall or may be fairly and justly entitled to for such manumission; and such compensation being actually paid or tendered to the said owner or owners of such Slave or Slaves, or duly and fully acknowledged to have been so tendered and paid in the presence of the said magistrates, or any two of them, to transmit to the Attorney-General of these islands, a minute in writing signed by them, of all and singular the several proceedings had before them in the premises; and it shall thereupon be the duty of the said Attorney-General, should he be of the opinion that the same are correct and regular according to law, and if necessary after correcting, with the assent of the said magistrates, any errors in matter or form in the minutes of the same, to cause the same to be recorded in the proper office of this government, and thereupon the said Slave or Slaves shall become and be from henceforth to all intents and purposes, free persons.

If the referees agree, and the compensation by them awarded be actually paid or tendered to the owner, the award after reference to and approval by the Attorney-General, shall be recorded in the proper office, and the Slave thereupon become free.

47.—Provided however, and it is hereby enacted by the authority aforesaid, that should the said referees be unable to agree as to the amount of the compensation as aforesaid, the said referees shall name an umpire between them, and the decision of the said umpire shall be as good, valid, and binding in the premises as if the same had been agreed to by the two referees first named; and provided also that the said two referees and also the said umpire, when an umpire shall become necessary, before they enter on the duties of any such reference or umpirage as aforesaid, shall take and subscribe as nearly as may be, an oath or affidavit in writing to the effect following: that is to say, A. B. and B. C. of the Island of D (here their additions are to be inserted at length) referees, indifferently chosen to award and determine between E. F. of the Island of G. (here the additions of the owner or owners aforesaid are to be inserted at length) and H. I., &c., the Slave or Slaves being here named, the Slave (or Slaves) of the said E. F., touching the compensation which the said owner or owners ought to receive for the emancipation of his, her, or their said Slave, (or Slaves) being duly sworn on their oaths, severally swear that they will fairly, justly, and equitably, to the best of their skill and judgment, estimate the said compensation not merely according to their view of the probable market prices of such Slave (or Slaves) if exposed to sale as such, but with due regard also to such further remuneration as the said owner (or owners) may shew himself, (herself, or themselves) entitled to, to the satisfaction of them the said referees under the special circumstances of the case, in consequence of any loss or damage which the said owner (or owners) may sustain by reason of his (her, or their) being deprived of the services of such Slave (or Slaves), and the affidavit of the umpire shall be as nearly as may be in the same form and to the same effect.

If the referees disagree, they shall name an umpire whose decision shall be valid.

Oath to be taken and subscribed by the referees.

And by the umpire.

48.—And be it further enacted, that when any owner or owners of Slaves desirous of purchasing freedom as aforesaid, shall not be resident within these islands, or shall be under age, lunatic, or be married women living with their husbands, then and in all such cases, the attornies or agents of such absent owners, resident within these islands, and the parents or guardians of such minors, and the guardians of such lunatics or their lawful representatives, resident within these said islands, and the trustees of such married women or their lawful representatives, resident within these said islands, shall be and be held and considered as the owners of all such Slaves, for all and singular the purposes last aforesaid, touching the purchase of the freedom of the said Slaves of such owners, who by reason of their absence, nonage, lunacy, or coverture as aforesaid, shall not be in a situation to attend in person to the matter aforesaid.

When the owners of Slaves shall not be resident in these islands, or shall be under age, &c. &c.

The attorneys or agents of such absent owners, and the parents or guardians of minors, &c. &c. &c. shall be considered owners, *quoad hoc*.

49.—And be it further enacted by the authority aforesaid, that any magistrate, who when duly required to perform any of the duties of magistrates as last aforesaid, in touching or concerning the purchase of freedom by Slaves as aforesaid, shall refuse or neglect to perform the same, shall be liable to a penalty of fifty pounds of lawful money of these islands for every

Magistrates refusing when required to perform the said duties touching the purchase of freedom by Slaves, shall be liable to a penalty of fifty pounds.

And the owners of Slaves contumaciously refusing to submit to the authority of the magistrates or wantonly impeding his proceedings, shall be liable to a fine of not less than ten pounds nor more than fifty pounds.

such offence, and should any owners of Slaves desirous of purchasing freedom as aforesaid, or the lawful representatives of such owners as aforesaid, contumaciously refuse to submit to the authority of the magistrates as aforesaid, in the execution of their said duties as aforesaid, or intentionally and unnecessarily delay or wontonly embarrass or impede their proceedings in the premises, all such offenders shall be liable to a fine of not less than ten nor more than fifty pounds of lawful money of these said islands for every offence; and on their conviction for any such offence, it shall and may be lawful for the court before whom such conviction shall take place, so soon thereafter as justice may admit of, under the circumstances of the case, to empannel a sworn inquest or jury of twelve disinterested persons to inquire into and determine by verdict as to the value of the Slave or Slaves in question, and upon payment of the amount of such verdict, by or on account of the said Slave or Slaves into court, the said Slave or Slaves shall, by sentence of the said court to be duly recorded, be adjudged to be free, and the money so paid into court shall, after deducting the amount of the fine aforesaid, and all reasonable costs and charges of all and singular the several proceedings last aforesaid in the said court, be paid over to the said owners or their lawful representatives as aforesaid in this behalf.

And on conviction the court may empannel a jury and determine by verdict the value of the Slave or Slaves.

And on payment of the amount of such verdict, by or on account of the Slave into court, such Slave shall by the sentence of the court be adjudged to be free.

And the amount so paid into court after deducting the fine and costs, shall be paid over to the owner.

50.—And it is also hereby provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be in any manner taken, held, or construed to destroy, diminish or impair, or otherwise injuriously affect the just rights of judgment, creditors, mortgagees, joint proprietors or reversioners of any description: but whensoever the property of owners in any Slaves desirous of purchasing freedom as aforesaid, shall be bound by any judgment, or mortgage, or any other person or persons, shall have a joint or reversionary interest of any kind in the same, and the same be not made known in the course of any proceedings under, or in virtue of this Act, to the referees as aforesaid, or to the court and jury as aforesaid, and any such information shall be knowingly and wilfully withheld in the premises, any Slave conceiving himself or herself manumitted in virtue of such proceedings or any of them, and who shall afterwards be proved to be still more or less a Slave or liable to any manner of bondage afterwards, then, and in that case, such Slave or Slaves shall be entitled to recover of and from any and all persons and person so having wilfully and and knowingly concealed as aforesaid the fact of his, her, or their being bound by any such judgment or mortgage, or of the existence of any such joint or reversionary interest as aforesaid, or who shall in any manner be aiding, abetting, or conniving, at any such concealment, double the amount of such compensation paid for the emancipation of such Slave or Slaves; and if the referees, or court and jury as aforesaid, in the course of any of the proceedings aforesaid, provided by this Act as aforesaid in the premises, shall, having notice of any such judgment, mortgage, or joint, or reversionary right as aforesaid, then, and in that case, it shall and may be lawful for such referees or jurors, by their award or verdict to determine whether the whole or any, and what part of the compensation aforesaid, ought in equity and good conscience to be paid to the judgment, creditors, mortgagees, joint owners or reversioners as aforesaid, as the case may be, and the same shall be so paid accordingly; and should any such judgment, creditor, mortgagee, joint owner, or reversioner, not be present to receive any monies so to him, her, or them, payable by reason of the premises, the same shall be deposited in the public treasury of the colony, for him, her, or them, and on his, her, or their sole account, and for receiving and paying out the same, the treasurer shall receive, to be deducted from the same, a commission of one per cent, and no more.

This Act shall not affect the just rights of judgment, creditors, magistrates, &c.

But when the property of owners in Slaves desirous of purchasing their freedom, shall be bound by judgment or mortgage, or any other person shall have a joint or reversionary interest in them, and this fact shall be known by, and wilfully withheld from the referees and the court and jury, any Slave aggrieved thereby may recover from the persons making such wilful concealment or conniving thereat double the amount of the compensation to be paid for his freedom.

But when the referees or court and jury shall have notice of such judgment or reversionary interest, &c. &c., they may determine by award or verdict whether the whole or any part of the compensation shall be paid to the judgment, creditor, or reversioner, &c. &c., and the same shall be so paid to them accordingly, if present, but if absent, to be paid into the public treasury on their account.

Commission thereon, one per cent.

51.—And it is hereby provided also, and be it further enacted, that children under fourteen years of age, shall not be manumitted under this Act except with the consent of the owners thereof, under any circumstances whatsoever, anything hereinbefore contained to the contrary notwithstanding; and provided also, that no Slaves shall obtain their freedom under this Act against the will of their owners (or others having them in charge), unless it shall be shewn to the satisfaction of the referees or jury, as before provided, that the funds from which the compensation is to be paid for

Children under the age of fourteen not o be manumitted against the consent of their owners.

And no Slave shall obtain his freedom under this Act unless he can satisfy the referees and jury that he has honestly ac-

their freedom shall have been honestly acquired, anything hereinbefore contained to the contrary notwithstanding.

quired the funds for compensation.

52.—And be it further enacted by the authority aforesaid, that except in cases in which, in and by the provisions of this Act, or some other Act or Acts of the General Assembly of these islands, the power of trying persons for offences is expressly vested in one or more magistrates, persons charged with any of the offences mentioned in this Act, shall be tried for the same in the General Court of these islands, according to the course of the common law, or the provisions of this or some other act of assembly, applicable in such cases, and on conviction shall suffer fine and imprisonment, or either, within the limits prescribed by this Act, or otherwise by the laws of this colony; and in cases where no limits are so prescribed, then the party convicted shall be sentenced to a fine of not less than five, nor more than fifty pounds lawful money of these islands, and to imprisonment for any space of time not exceeding one month, or to fine or imprisonment only within the same limits at the discretion of the court: Provided, however, that whenever any such offences last aforesaid shall be committed by Slaves, or others liable to be tried by slave courts, according to the form and effect of any Act or Acts of assembly in such case made and provided, and now in force within these islands, the parties charged with such offences, shall and may be tried by such slave courts accordingly, and on conviction be punished as is by law already therein provided, except as is hereinbefore excepted in cases where one or more magistrates shall have summary jurisdiction in the premises according to the provisions of this or some other act of assembly as aforesaid.

Except in cases in which by this or some other act of assembly, the power of trying persons for offences is vested in one or more magistrates. Persons charged with offences mentioned in this Act, shall be tried in the General Court, according to the course of the common law, or of the provisions of this or some other act of assembly, and on conviction suffer fine and imprisonment, or either, as prescribed by this Act, or otherwise by the Laws of the colony, where no such limits are so prescribed. Fine not less than five nor above fifty pounds, and imprisonment not exceeding one month, or fine or imprisonment.

The like offences, when committed by Slaves, how to be punished.

53.—And be it further enacted by the authority aforesaid, that all fines, penalties, and forfeitures, to be imposed, levied, or received, in pursuance of the enactments and provisions of this Act, excepting only as to such fines, penalties or forfeitures, or any parts of the same which are hereinbefore directed to be otherwise applied or appropriated, shall be paid into the treasury of these said islands, in aid of the support of his Majesty's government within the same, in such manner as may be designated by some Act or Acts of the General Assembly of these islands and not otherwise.

Penalties, fines, and forfeitures, how to be applied.

54.—And be it further enacted by the authority aforesaid, that in all cases in which, according to the provisions of this Act, or of the first above-recited Act, to which this Act is an amendment, any affidavits, oaths, examinations, or depositions under oath, as in the case of witnesses on trials, of fact, or otherwise, are required or allowed to be administered, taken, or sworn to the people called Quakers, shall be permitted to substitute their solemn affirmation in the place of all such oaths, anything in this Act contained to the contrary notwithstanding: Provided however, that any such person so affirming to that which the person so affirming does not at the time of such affirmation know to be true, shall be held guilty of wilful and corrupt perjury; on conviction thereof shall suffer the pains and penalties of wilful and corrupt perjury, and be liable to all the disabilities legally consequent upon such conviction: And provided also that no such affirmation shall be received in evidence in any trial for any offence for which the person tried would on conviction be liable to suffer death.

Quakers may substitute their solemn attestation in place of an oath.

False affirmation deemed perjury.

55.—And be it further enacted by the authority aforesaid, that when any person or persons whatsoever, shall or may be sued at law for anything done by the authority, or in pursuance of this Act, or of any of the provisions of the same, or of the provisions of the first above-recited Act, to which this Act is an amendment, the party defendant may plead the general issue, and under that issue give this Act, and any special matter in evidence; and when in any such suit judgment shall pass for the party defendant, or the party plaintiff shall be nonsuited, or discontinue his, her, or their action in the premises, the party defendant shall be entitled to double costs.

Persons sued for any thing done under this Act, or the Act to which this is an amendment, may plead the general issue, &c.

56.—And be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, all such part and parts, section and sections, clause and clauses, provision and provisions, passages and enactments of the said first-above recited Act, to which this Act is an amendment, and of every other Act and Acts of the General Assembly of these islands, inconsistent with this Act, or any of the enactments and provisions of the same,

All parts and sections, clauses and provisions of the Act to which this is an amendment, and of all other Acts inconsistent with this Act, or any of the provisions of it, are hereby suspended.

or which may in any manner be construed to contravene the same, either wholly or in part, be, and the same are hereby declared to be, suspended for and during the continuance of this Act.

Duration of the Act, until 28th Jan. 1829, and from thence, &c.

57.—And be it further enacted by the authority aforesaid, that this Act shall be and continue in force from and after the passing thereof until the twenty-eighth day of January, which will be in the year of our Lord one thousand eight hundred and twenty-nine, and from thence to the end of the then next session of General Assembly, and no longer.

Passed the House of Assembly, 15th December, 1826,
L. KERR, Speaker.

Passed the Legislative Council, 19th December, 1826,
P. BROWN, President.

Assented to the 22d day of December, 1826.
WM. VESEY MUNNINGS.

A. B. } *General Court, Hilary, 7th Geo. IV.*
v. } Trespass on the case.
C. D. }

THE above-named plaintiff, A. B., being duly sworn, saith that the following Slaves, the alleged property of E. F., of the Island of Elenthera, planter, as this deponent is advised and believes, are material witnesses on this deponent's behalf in the above cause, namely, G. H. place of abode, governor's harbour at Elenthera aforesaid, colour black, sex male, and about thirty years of age; also J. K., same place of abode, same colour, same sex, and about twenty-eight years of age; and also L. M., same place of abode, a Mulatto, sex female, and about twenty-two years of age; as the said three several Slaves are registered in the office of the clerk of the crown of these islands, as being competent to give evidence in the several courts of the same, in pursuance of the act of Assembly in that case made and proved; and the deponent on his said oath further saith, that he doth not require the evidence of more than two of the said Slaves, to any one point at issue, in the above cause, or the evidence of any one of them, to any point, matter, or thing, concerning which the said Slaves, or any of them, as this deponent is advised and verily believes are legally incompetent to give evidence, on any account whatsoever.

(Signed) A. B.

Sworn to this day of
A. D., 1826.
Before me,

(Signed) N. P., Prothonotary.

A true copy froom the original Act,

(Signed) J. NESBITT, Secretary.

"An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

(*January 28th*, 1824.)

Preamble.

WHEREAS it is expedient that the laws which from time to time have been enacted for the government of Slaves should be amended, consolidated, and brought into one Act, and other provisions made for their protection and the promoting of their moral and religious instruction, and by means thereof, their general comfort and happiness, so far as is consistent with due order and subordination, and the well being of this colony: May it therefore please your Majesty that it may be enacted, and be it enacted by his Excellency Lewis Grant, Esquire, Major-general of your Majesty's Forces, Captain-general, and Governor-in-Chief, the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, all and every the hereinafter-mentioned laws and clauses, and parts of laws,

so far forth as the same do relate to Negro or other Slaves, be, and the same are hereby suspended for and during the continuance of this Act, anything in the said laws or clauses of laws, or in any other law to the contrary notwithstanding, that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, entitled "An Act for governing Negroes, Mulattoes, and Indians;" also one other Act, passed in the eighth year of his said late Majesty's reign, entitled "An Act for suspending a Clause in an Act entitled, 'An Act for governing Negroes, Mulattoes and Indians, and for amending the said Act;'" also one other Act, passed in the twentieth year of his said late Majesty's reign, entitled "An Act for suspending Parts of certain Clauses, and amending other Clauses in an Act, entitled an Act for governing Negroes, Mulattoes and Indians;" also one other Act, passed in the year last aforesaid, entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned;" also one other Act, passed in the same year last aforesaid, entitled "An Act to amend a Clause in an Act passed in the seventh year of his said late Majesty's reign, entitled 'An Act for governing Negroes, Mulattoes and Indians;'" also one other Act passed in the twenty-fourth year of his said late Majesty's reign, entitled "An Act for governing Negroes, Mulattoes, Mustees and Indians, and for suspending several Acts therein mentioned," save and except the first section of this said Act, as printed in the printed copy of the Acts of assembly, being the second section of the same Act in the original manuscript thereof; also all and every Act and Acts, clause and clauses of Acts, respecting the governing of Negroes, Mulattoes, Mustees and Indians, which in and by the said last-recited Act are or were thereby suspended during the continuance of the said Act; also one other Act, passed in the thirty-seventh year of his said late Majesty's reign, entitled "An Act to consolidate and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security; for altering the Mode of Trial of Slaves charged with capital Offences; for suspending the several Acts and Clauses of Acts therein mentioned, and for other Purposes." Laws suspended

2.—And whereas it is due to good policy, as well as to humanity and justice, that the condition of Slaves should be rendered as comfortable as possible, by supplying them with good, wholesome and sufficient provisions, with proper clothing and other necessaries, and it is expedient that the same should be regulated by law: Be it enacted that the master, owner, or possessor of every plantation, pen, or other lands whatsoever within these islands, shall provide and give to every Slave above the age of ten years, at and after the rate of one peck of unground Indian or Guinea corn, or twenty-one pints of wheat flour, or seven quarts of rice, or fifty-six pounds of potatoes ,cocoas or yams, per week, over and above a sufficient quantity of land, as and for the proper ground of every such Slave, and one-half of the aforesaid allowance to each child below the aforesaid age of ten years. Allowance of provisions, clothing, and land to Slaves.

3.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any Slave, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall manumit, discard, or turn away, any such Slave, by reason of such Slave being rendered incapable of labour by sickness, age, or infirmity; and all *such manumissions shall be void*;* and every master, owner, or possessor, shall be, and he is hereby obliged to keep every such sick, infirm, disabled, or superannuated Slave on his estate or premises, and to find and provide such Slave with wholesome necessaries of life, and not to suffer any such Slave to be in want thereof, or to wander about and become burdensome to others, under the penalty of ten pounds for every offence, to be recovered in a summary manner before any two justices of the peace; who are hereby authorized and required to cause any master, owner, or possessor offending in the premises, or his, her, or their agent, or attorney, and such persons as they shall judge necessary, to be summoned before them, to enable them to judge of the justice of such charge, and to determine whether such master, owner, or possessor ought to incur the aforesaid penalty; and in the mean time, and until such trial can be had, the said justices of the peace, on Manumission of old or infirm Slaves incapable of labour void, and provision to be made for such old or infirm Slave by the owner, under certain penalty.

* See an amendment of 7th Geo. IV. section 3d, by which the manumission remains *valid*, the manumittor continuing liable for the maintenance of the manumitted person.

their view, or on the information of any white person on oath, are hereby required to take up any such wandering, sick, aged or infirm Slave, and to lodge him or her in the nearest workhouse, or other place of security, there to be clothed and fed, but not compelled to work, at the expense of such master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justice upon such trial, that the party or parties complained of is or are guilty of the offence alleged, and he, she, or they shall refuse to pay the said penalty, together with the workhouse fees and charges of conviction, the said justices are hereby authorized and required to commit such offender or offenders to the next common gaol, there to remain without bail or mainprize until he, she, or they shall pay the same.

Vestries empowered to levy a tax on the inhabitants for the support of infirm Negroes.

4.—And whereas, by reason of deaths or removals of proprietors of Slaves, or of Slaves having heretofore been manumitted without any suitable provision being made for their maintenance, and from other causes, some such Slaves or manumitted persons rendered unable to labour by disease, old age, or other means, have become burdensome to the inhabitants; for remedy whereof, Be it further enacted by the authority aforesaid, that it shall and may be lawful for the vestries of the several parishes and islands, once in every year, to lay a tax upon the inhabitants, in the same manner as the parochial taxes are usually laid, for the purpose of raising such sum as they shall judge necessary for the maintenance, clothing, medical care and attendance of all such Negro, Mulatto or other Slaves or other such manumitted persons; any two justices of the peace are hereby authorized and required upon application being made to them, to order all such Slaves or other persons as aforesaid, to be removed and conveyed to the workhouse of the parish where (if a Slave) the former owner or owners, proprietor or proprietors lived or resided, or (if a person of colour made free) where the person or persons who manumitted or set free such person of colour resided before his or her manumission, there to be lodged and taken care of. And the justices of the peace and vestries of the several islands and parishes are hereby authorized and required, from time to time, to make such regulations for the purposes aforesaid, as to them shall seem necessary and expedient.

All Acts and clauses of Acts imposing any duty or tax on the manumission of Slaves, suspended.

5.—And be it further enacted by the authority aforesaid, that all and every Act and Acts, clause and clauses thereof, whereby any tax or duty whatever, is or hath been imposed on the manumission of any Slave or Slaves within these islands, shall be, and the same hereby are (so far as relates to the imposition of any such tax or duty), suspended for and during the continuance of this Act: Provided always that nothing herein contained shall extend or be construed to extend to prevent the public secretary or register of records of the colony, or any his lawful deputy or deputies, from asking, demanding, and receiving from the person or persons liable to pay the same, any his lawful fee or fees for the recording of any manumission or manumissions, or otherwise giving legal effect hereunto.

Proviso—

Slaves being husband and wife, or reputed husband and wife, and their child or reputed child, being under fourteen years of age, and belonging to the same owner, not to be sold separately or otherwise than in one entire lot.

By the 32d section of amended Slave Act of 7th Geo. IV. all sales, bequests, conveyances, &c., for separating families contrary to the provisions of this Act, shall be *null and void.*

6.—And be it further enacted by the authority aforesaid, that from and the passing of this Act, at no sale or transfer of Slaves hereafter to be made, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatsoever, or otherwise howsoever, shall the husband and wife, or reputed husband and wife and child, or reputed child of such husband and wife, or reputed husband and wife, (the said husband and wife, or reputed husband and wife, and the said child or reputed child of such husband and wife, or of such reputed husband and wife, or of either of them, being the property of the same owner or owners, and the said child being below the age of fourteen years,) be sold or transferred, the one without the other, or otherwise than in one entire lot, and in one and the same lot, and to one and to the same person or persons; nor shall any executor or other person taking upon himself the burden of execution of any last will, assent to any specific legacy of a Slave, or deliver to any legatee or legatees, any Slave or Slaves to him, her, or them, by the testator or testatrix of such executor or administrator, specifically bequeathed in any case wherein the effect of any such assent or delivery would be to separate or cause to be separated from each other the husband and wife, or reputed husband and wife, or separate or cause to be

No executor or administrator to assent to any legacy made in any will separating husband and wife, or child, but the interest

separated any child under the age of fourteen years from his or her parents or reputed parents, or either of them, contrary to the true intent and meaning of this Act; but such executor or administrator in every such case, after such inventory and appraisement of the goods and chattels of his or her testator or testatrix made, had, and returned, as by law is required, shall sell or dispose of every such husband and wife, or reputed husband and wife, and every such child or reputed child, and his or her parents or reputed parents, or either of them, in one separate and entire lot, and in one and the same lot, and to the same person or persons; and all claim, right, title, interest, or demand whatever, (either in law or equity) which any such legatee or legatees, without the provisions of this Act might or could have had or claimed in, to, or against any such Slave so bequeathed as aforesaid, by any such testator or testatrix, and afterwards so sold and disposed of by any such executor or administrator, shall thenceforward and for ever thereafter be transferred to, and exist in the nett proceeds of the lot in which the Slave to such legatee as aforesaid bequeathed, shall have been included and sold, and shall be rated or proportioned in amount according to the rate or proportion which the sum at which such Slave shall have been appraised shall bear comparatively in relation to the several sum and sums at which other the Slave or Slaves in the same lot included shall have been also appraised.

of any such legatee to exist in the proportionate amount of the nett proceeds of the lot to which such husband and wife, or child may belong.

7.—And be it further enacted by the authority aforesaid, that if any person or persons, contrary to the true intent and meaning of this Act, shall wilfully and knowingly make or cause to be made any transfer or sale of any such Slave or Slaves, or if any executor or other such administrator of any last will shall assent to the specific legacy of any such Slave, or shall deliver or cause to be delivered to any such legatee or legatees, the Slave or Slaves to him, her, or them so as aforesaid bequeathed, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered and applied in manner hereinafter provided: Provided always, that nothing herein contained, shall extend or be construed to extend, to affect any mortgage or mortgages of Slaves, duly made and executed previous to the passing of this Act, and which shall have been duly recorded or registered in the public office in Nassau, on or before the first day of July, one thousand eight hundred and twenty-four.

Penalty on persons making such sales, and on executors assenting to such legacies.

Not to affect mortgages of Slaves registered before 1st July 1824.

8.—And be it further enacted by the authority aforesaid, that every master or owner shall provide and give to every Slave in his or her possession, two suits of proper and sufficient clothing in the course of every year, under the penalty of fifty pounds for each offence.

Annual clothing of a Slave.

9.—And be it further enacted by the authority aforesaid, that all masters and owners, or in their absence their overseers, shall, as much as in them lies, endeavour to instruct their Slaves in the Christian religion, and shall do their endeavour to fit them for baptism, and as soon as conveniently may be, shall cause to be baptized all such Slaves as they can make sensible of a Deity, and of the Christian faith.

Slaves to be instructed in the Christian religion and fitted for baptism.

10.—And whereas, nothing would tend more effectually to promote the moral and religious improvement of Slaves, or contribute more to their mutual society, help, and comfort, than to encourage (so far as may be possible, and under such restrictions only as their state of present intellectual advancement, the religious establishment of the colony, and a due regard to the rights of private property may require,) marriages between Slaves, and between Slaves and free people: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful to and for the several rectors or incumbents of parishes within this colony, each in his respective parish church or chapel, or for any other minister of the established church, in any such church or chapel, by and with the permission of the rector or incumbent (or if there be no such rector or incumbent there resident, then of the churchwardens) of the parish to which such church or chapel may belong, or in parishes, or on islands being parts of parishes whereon there shall be no such church or chapel, then for any such rector or incumbent or other such minister as aforesaid, (in any private dwelling there situate,) upon every Sunday, and

This and the 11th, 12th, and 13th sections of this Act suspended by 26th section of the amended Consolidated Slave Act of 7th Geo. IV.

Encouragement of marriages between Slaves, and between Slaves and free people.

between the hours o feight and twelve in the forenoon of every such day, and without the publication of banns, or asking in church, or any dispensation, license of marriage, or other faculty or license whatever, save as hereinafter is required, and whether the parties then and there to be married or either of them shall dwell within the parish to which such church or chapel may belong, or within which such private dwelling is situate, or not, marriages between Slaves, and between Slaves and free people, who are not within the degrees of consanguinity prohibited by God's law, nor labouring under the legal disabilities of a prior marriage, or want of reason, and who profess the Christian religion, on production to such rector or incumbent or other such minister, of the consent in writing of the owner or owners of such Slave or Slaves respectively, in that behalf first had, and to such rector or incumbent or other such minister addressed: Provided always, that no such rector or incumbent, or other minister as aforesaid, shall celebrate or proceed to celebrate any such marriage, unless the persons to be married shall fourteen days at least before the celebration of such marriage, respectively deliver or cause to be delivered to such rector or incumbent, or other minister as aforesaid, a notice or memorandum in writing of the Christian name or names of every such person being a Slave, and the Christian name or names, and surname, or name by reputation, of every such person being free, together with the name or names, and place or places of abode of the owner or owners of every such Slave respectively.

Suspended (see observation on 10th section of this Act)

11.—And whereas many of the parishes into which this colony has been divided by law, are without incumbents, and in many cases it hath been found expedient that islands and quays, separate and apart from each other, should be formed and united into one parish: And whereas it is necessary to provide for the celebration of such marriages in such of the said parishes whereof there shall be no such incumbent, and in such islands or quays, being parts of parishes, whereon no such rector or incumbent shall be actually resident: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, the power of solemnizing such marriages as aforesaid, which herein and hereby is given to the several rectors or incumbents, or other ministers as aforesaid, shall and lawfully may, under the like rules, regulations, and restrictions, hereinbefore and hereinafter set forth and specified, be exercised by any justice of the peace, or minister of the established church, in any such parish whereof there now is, or hereafter shall or may be, no rector or incumbent as aforesaid, or on any island or quay (being part of any parish) whereon no such rector or incumbent shall be actually resident.

Where there is no resident rector or incumbent in a parish, marriages may be celebrated by a justice of the peace.

Register of such marriages to be kept.

Suspended, (vide as above.)

12.—And in order to preserve the evidence of all such marriages, and to make the proof thereof more certain and easy, and to prevent the forging or counterfeiting of any such consent: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all such marriages as aforesaid, shall be had and solemnized in the presence of one credible free witness or more, besides the minister or other persons as aforesaid who shall celebrate the same; and that the minister, or in case there be no minister there resident, the churchwardens of the parish within which any such marriage shall have been so celebrated, shall, upon application made to him or them by the parties so married, or either of them, his, her, or their owner or owners respectively, register, or cause to be registered, the said marriage in the common register book of christenings, marriages, and burials belonging to such parish respectively, in like manner and form as heretofore hath been customary with regard to any other marriages, under the penalty of five pounds for every default: Provided also, that in every such entry or register there shall be expressed the date of the consent under which such marriage was celebrated, and the name or names, place or places of abode, of the parties married, and of his, her, or their owner or owners respectively.

All such marriages declared as valid, as though solemnized after publication of banns, or by virtue of license from the ordinary.

13.—And be it further enacted by the authority aforesaid, that all marriages so had and solemnized as aforesaid, by any such rector or incumbent, minister or justice of the peace, under and by virtue of any such consent as aforesaid, shall be, and the same are hereby declared to be, good,

valid, and binding to all intents and purposes in the law whatsoever, (saving always the just right of ownership, which in no case whatever shall be in anywise hurt, prejudiced, straightened or otherwise affected thereby,) as though the same had been solemnized after publication of banns, or by virtue of any dispensation, faculty or other license whatsoever, of any ordinary, judge, or other person whomsoever, having authority to grant the same; and the issue procreate of all such marriages, shall be deemed legitimate: Provided however that the marital power and authority to be thus acquired by the husband over the wife, shall in no such case as aforesaid, impugn, diminish or interfere with the rights or authority of the owner or owners in, to, and over his, or her, or their Slave or Slaves, or the issue of such Slave or Slaves, or the duty and services of such Slave or Slaves, in any manner whatsoever.

Suspended. (see observation on 10th section of this Act.

14.—And be it further enacted by the authority aforesaid, that any master, owner, or other person whatsoever, who shall wilfully mutilate any Slave, or cause, permit, or suffer any Slave to be mutilated with his or her privity or consent, shall be liable to be indicted and prosecuted in the General Court for the same, and upon conviction shall be punished by fine not not exceeding one hundred pounds, and imprisonment not exceeding twelve months for every offence; and such punishment is declared to be without prejudice to any action that could or might be brought by the owner or proprietor for recovery of damages for or on account of the same; and in cases where the owner of any such Slave shall be guilty of any such offence, it shall and may be lawful for the court, if it shall deem necessary for the future protection of such Slave, to declare him or her to be free, and discharged from all manner of servitude, to all intents and purposes whatever. And in all such cases it shall and may be lawful for the court to order the fine to be paid to the vestry of the parish to which such Slave belonged, to the use of the said parish, the vestry in consideration thereof paying to such Slave so made free, an annuity of ten pounds per annum during life. And in case any Slave or Slaves shall suffer any such mutilation as aforesaid, any justice of the peace is hereby authorized and required, on view of the fact, to send such Slave to the nearest workhouse, there to be kept and carefully attended, at the expense of the parish, until such time as there can be a meeting of the justices and vestry of such parish; which justices and vestry are hereby created a council of protection for such Slave, and are authorized and required to make a full inquiry respecting the mutilation of such Slave; and if to them it shall appear proper, shall cause the owner or owners of such mutilated Slave, to be indicted and prosecuted, the expense of which prosecution shall be paid by the parish where such offence shall be committed. And in case the owner or owners of such Slave or Slaves shall be able to pay the costs and charges of such prosecution, the churchwardens and vestry are hereby required to commence a suit or or suits against such owner or owners, in which they shall recover all costs and charges by them laid out and expended in such criminal prosecution and civil action. And the keeper of the workhouse to which any such Slave shall have been committed, is hereby required, upon due notice of the meeting of such justices and vestry, to produce such mutilated Slave or Slaves for their inspection, under the penalty of twenty pounds for every neglect.

Penalty on mutilating or maiming Slaves.

15.—And be it further enacted by the authority aforesaid, that it shall not be lawful for any court of justice to pass any sentence whereby any Slave shall be directed to be mutilated or maimed for any offence whatever.

Slaves not to be mutilated by sentence of any court.

16.—And be it further enacted by the authority aforesaid, that if any person shall wilfully and with malice aforethought, kill, or cause to be killed, any Negro or other Slave, every such person shall be adjudged guilty of felony and murder, and shall suffer death without benefit of clergy: Provided always that no such conviction shall extend to the corruption of blood, or the forfeiture of lands and tenements, goods and chattels, any law to the contrary notwithstanding.

Persons wilfully killing a Slave guilty of felony.

17.—And be it further enacted by the authority aforesaid, that if any person shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison, or keep in confinement without sufficient support, any Slave or

Penalty on persons guilty of cruelty towards Slaves.

Slaves, he, she, or they shall be subject to be indicted for the same in the General Court, and shall suffer such punishment by fine or imprisonment, or both, as the court shall think proper to inflict; and such punishment is declared to be without prejudice to any action that may be brought for recovery of damages, in case such Slave shall not be the property of the offender.

Punishment of Slaves.

18.—And in order to restrain arbitrary punishment, Be it further enacted by the authority aforesaid, that no Slave shall, on any account, receive more than twenty lashes at any one time, or for any one offence, unless the owner or employer of such Slave, *or supervisor of the workhouse or keeper of the gaol* shall be present; and that no such owner, employer, supervisor, or gaol keeper, shall on any account punish a Slave with more than thirty-nine lashes, at one time and for one offence; nor inflict, or suffer to be inflicted, any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment; nor shall any female Slave above the age of twelve years be punished otherwise than in private, under the penalty of ten pounds for every offence.

See explanation of this power by the amended Consolidation Slave Act of 7th Geo. IV. section 4th. such supervisor &c., not to punish without the consent of owner.

Duty and fees of provost marshal.

19.—And whereas it is customary for owners to commit their Slaves to the common gaol for slight offences which are not punishable under this Act: Be it therefore enacted, that in all cases where any owner or possessor of a Slave shall send him or her to gaol for any such trivial offence, the provost marshal or his deputy or gaoler shall forthwith take and receive such Slave into custody, and him or her safely keep until released by the owner, and shall receive for his trouble three shillings, together with one shilling for every day such Slave shall have remained in gaol, provided such Slave shall have been maintained by the provost marshal.

Fixing iron collars on Slaves declared unlawful.

20.—And whereas a mischievous practice hath prevailed in some colonies of punishing ill disposed Slaves, and such as are apt to abscond from their owners, by fixing iron collars with projecting bars or hooks round their necks, Be it enacted and declared, that such practice is utterly unlawful, and that no person shall, on any account whatever, punish any Negro or other Slave, whether his own property or otherwise, by fixing or causing to be fixed any iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind, other than such as are absolutely necessary for securing the person of such Slave while in confinement, under the penalty of fifty pounds; and any justice of the peace is hereby authorized and required, on information or view of such offence, to order such collars, chains, irons, or weights to be immediately taken off under the penalty of one hundred pounds for every neglect or refusal.

Allowance of holydays.

21.—And be it further enacted by the authority aforesaid, that every Slave within these islands shall be allowed the usual number of Christmas holydays, to wit; Christmas-day and the two following working days.

Penalty on overseers absenting themselves during the Christmas holydays.

22.—And be it further enacted by the authority aforesaid, that every overseer who shall absent himself from the estate under his care or management on any of the aforesaid holidays, without leave from his employer, shall for every such offence forfeit the sum of five pounds for each day.

Penalty on not returning births and deaths on plantations every 1st of January.

23.—And be it further enacted by the authority aforesaid, that on the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-five, and on the first day of January in every succeeding year, or within thirty days after, the owner, manager, or overseer of every plantation or settlement within these islands, shall give upon oath to the churchwardens of the parish, an account of all the births and deaths of the Slaves on such plantation or settlement, for the year immediately preceding, under the penalty of fifty pounds, to be recovered from the owner of such plantation or settlement.

To fall on the overseer if through his neglect.

24.—And be it further enacted by the authority aforesaid, that if the not giving in such accounts shall be owing to the neglect of any overseer or manager, it shall and may be lawful for the owner, proprietor, or possessor of such plantation or settlement, to stop and detain the penalty which he or she shall be compelled to pay, together with his or her costs and charges, out of the wages of such manager or overseer.

Penalty on Slaves hurting cattle.

25.—And be it further enacted by the authority aforesaid, that no Negro

or other Slave shall be allowed to hurt any horned cattle, horses, mares, mules, asses, or other animals, with lances, guns, cutlasses, or other arms, unless in the company of his master, overseer, or some other white person, or by his permission in writing. And any Negro or other Slave, who shall offend contrary to the true intent and meaning of this Act, shall suffer such punishment by whipping as any two justices of the peace shall think proper to inflict, not exceeding fifty lashes.

Public notice of Slaves absconded to be given.

26.—And be it further enacted, that every person from whose service any Slave shall abscond, shall within fourteen days thereafter give notice thereof, by public advertisement, wherein shall be inserted the name and description of such runaway, by means whereof he or she may be more easily known and apprehended; and in case the owner shall neglect to do so, he or she shall not be entitled to any satisfaction from the treasury for any such Slave executed or transported by virtue of this Act for any crime whatever.

Penalty on selling or buying any runaway Slave.

27.—And be it further enacted, that it shall not be lawful either to sell or buy any runaway Slave, and that any person selling or buying any such Slave while absent, shall forfeit the sum of thirty pounds.

Penalty on Slaves running away.

28.—And be it further enacted by the authority aforesaid, that all Slaves who shall have been in these islands for the space of two years, and shall run away, and continue absent for a term not exceeding six months, shall, upon conviction before any two justices of the peace, suffer such punishment as the said justices shall think proper to inflict, not extending to life or limb.

Slaves absent more than six months to be transported.

29.—And be it further enacted by the authority aforesaid, that any Slave who shall run away from his owner or lawful possessor, and be absent for more than six months, being duly convicted, shall be sentenced to be transported for life, or shall suffer such other punishment not extending to life or limb, as the court shall think proper to inflict.

Penalty on harbouring runaway Slaves.

Suspended by 6th sect. of the amended Consolidated Slave Act of 7th Geo. IV.

30.—And be it further enacted by the authority aforesaid, that any Slave who shall knowingly harbour or conceal any runaway Slave, shall be liable to be tried for the same as hereafter directed, and upon conviction shall suffer such punishment as the court shall think proper to inflict, not extending to life or limb; and that every free person who shall commit any such offence may be indicted and prosecuted for the same, in the General Court, and being convicted, shall suffer such punishment by fine and imprisonment, as the court shall think proper, according to the magnitude of the offence; and such punishment is hereby declared to be without prejudice to any action or suit which may be brought by the party injured for recovery of damages, for and on account of the same.

Reward to Slaves apprehending runaways.

31.—And be it further enacted by the authority aforesaid, that every Slave who shall take up any such runaway Slave, so that such runaway may be taken and restored to his or her owner or owners, shall be entitled to such reward as any two justices of the peace shall think reasonable and just, not exceeding three pounds, to be paid by such person or persons as the said justices shall determine ought to pay the same.

What Slaves deemed runaways.

32.—And whereas it is dangerous to the peace and safety of these islands to suffer Slaves to continue out as runaways, and it is absolutely necessary to declare what Slaves shall be deemed runaways: Be it therefore enacted and declared, that every Slave who shall be absent from his or her owner or employer, without leave, for ten days together, and shall be found at the distance of eight miles from the house, plantation or settlement to which he or she belongs, without a ticket or permit to pass, (such only excepted as are going with fire wood, grass, fruit, provisions or small stock, and other goods which they may lawfully sell, to market and returning therefrom) shall be deemed a runaway.

Reward to free persons apprehending runaways.

33.—And be it further enacted by the authority aforesaid, that any free person who shall apprehend any runaway Slave, shall be entitled to receive from the owner, employer, overseer or manager of such Slave, the sum of twenty shillings and no more, besides mile money at the rate of two shillings per mile for the first five miles, and one shilling per mile afterwards: Provided such Slave had absented himself or herself ten days without the privity, knowledge, or consent of the proprietor, owner, or other white per-

son residing on the plantation or place to which such Slave shall belong; which term of absence shall be declared on the oath of such proprietor, overseer or other white person as aforesaid, if required by the party taking up the Slave; but it is the true intent and meaning of this Act, that every person who shall apprehend any Slave that is actually runaway, shall be entitled to the aforesaid reward, although such Slave shall not be eight miles from home, and although the aforesaid term of ten days shall not have elapsed.

Reward to Slaves taking rebel Negroes.

34.—And be it further enacted by the authority aforesaid, that any Slave who shall take or kill another Slave in actual rebellion, shall receive from the churchwardens of the parish in which any such Slave shall have been killed, the sum of five pounds, and ten pounds if taken alive; also a blue cloth coat with a red cross on the right shoulder; the whole expenses whereof shall be reimbursed by the receiver-general for the time being, out of any money in his hands unappropriated.

35.—And be it further enacted by the authority aforesaid, that if any Slave shall be killed by any person or persons in the execution of this Act, or under the authority of the same, the person or persons by whom such Slave may be killed, shall, as speedily as may be, give information thereof to some justice of peace, who is hereby required to take his examination, and also the evidence or information of any person or persons respecting the same; and any white person or free person of colour killing such Slave, who shall neglect forthwith to give the information hereby required, shall forfeit and pay the sum of one hundred pounds.

Runaways apprehended, how dealt with.

36.—And be it further enacted by the authority aforesaid, that any person or persons apprehending any runaway Slave, shall convey him or her to his or her owner, employer or manager, if resident on the island in which such Slave shall have been apprehended; but if not therein resident, or if payment of the reward and other charges hereinbefore mentioned shall not be made, then to the nearest gaol or workhouse, the keeper whereof is hereby authorized and required to receive such Slave into his custody, and to pay the party delivering such Slave the sum of twenty shillings, and mile money as aforesaid, and no more, under the penalty of five pounds: Provided nevertheless, that no gaoler or workhouse keeper shall pay any such sum or sums before such person shall have taken an oath (which oath such gaoler or workhouse keeper shall file in his office, and produce when thereunto required by the owner or possessor of such Slave, under the penalty of five pounds) that the Slave so apprehended was at the reputed distance of eight miles from the house, plantation or settlement to which such Slave belongs, (except as is before excepted) and that such Slave had no ticket or permit in writing from his or her owner or possessor, employer or overseer at the time of being apprehended, and that such Slave had been first carried to his or her owner, employer or manager, provided such owner, employer or manager shall be in the island where such Slave shall have been apprehended, and the payment of the reward and charges aforesaid was neglected or refused to be made.

Runaways taken up to be advertised in the Gazette.

37.—And to the end that the owners and proprietors of Slaves so apprehended may obtain information of the gaol or workhouse in which they are confined, Be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol shall and they are hereby required, once in every month, to advertise in the Royal Gazette, or other public newspaper, and at the most public place in the island on which such Negro shall be apprehended, the height, names, marks and sex, and also the country (when the same can be ascertained) of every runaway Slave then in his custody, and the time such Slave was put into his custody, and also the name or names of the owner or owners thereof, if known, under the penalty of ten pounds for every neglect or omission, and for the expense of such advertisement it shall and may be lawful for the keeper of every gaol or workhouse to charge the owner or owners of each runaway Slave at and after the rate of twelve shillings per month and no more, and to detain any such Slave in custody until the same, together with the charges of apprehending and other fees, and poundage after the rate of two shillings in the pound, shall be paid, and also one shilling for every twenty-four hours such

Slave shall have been in custody for subsistence, and sixpence per day for medical care and extraordinary nourishment where necessary. And the gaoler, workhouse keeper, or supervisor, shall attest every such account upon oath.

Gaoler to furnish confined Slaves with victuals.

38.—And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol within these islands, shall provide and furnish every such Slave confined in such workhouse or gaol, with a sufficient quantity of good and wholesome provisions, according to the allowance hereinbefore required to be given upon every plantation, under the penalty of ten pounds for every neglect.

Slaves who shall have remained in custody twelve months unclaimed, how dealt with.

39.—And be it further enacted by the authority aforesaid, that after any runaway Slave shall have been in the custody of the provost marshal or the keeper of the workhouse or gaol, and shall have been duly advertised as aforesaid for the space of twelve calendar months, if no person shall claim such Slave and pay the fees and other monies hereinbefore directed, it shall and may be lawful for the provost marshal, or the keeper of such gaol or workhouse *, *to sell every such Slave at public auction* to the highest bidder, and that the monies arising from such sale shall be applied in the first place, towards payment of the expense of taking up, keeping and advertising such Slave, together with all fees and charges hereinbefore mentioned; and the overplus (if any) shall be paid into the public treasury to be applied towards the contingent expenses of this government: Provided always, that every such sale be at the usual place of public auction in the town of Nassau, between the hours of ten and twelve o'clock in the forenoon; that thirty days notice thereof be given in the Royal Gazette or other public newspaper; and that previous to every such sale every such Slave be carried before a magistrate, who is hereby required to examine whether such Slave has been duly advertised, and whether his or her marks and description agree with the advertisement, and to certify the same if found accurate or sufficient.

*Suspended by the 5th section of amended Consolidated Slave Act of 7th Geo. IV.

Slaves in the custody of the gaoler not to be hired out.

40.—And be it further enacted by the authority aforesaid, that no gaoler or workhouse keeper shall on any pretence whatever employ any Slave sent to his custody on any plantation belonging to him or in his possession; nor hire nor lend any such Slave to work for any person or persons, under the penalty of fifty pounds for every offence.

Punishment on Slaves escaping from confinement before trial.

41.—And be it further enacted by the authority aforesaid, that any Negro or other Slave who shall be confined in any workhouse or other place of confinement, and shall escape therefrom before trial or the expiration of his or her sentence, upon being retaken, and proof being made of his or her identity before any two justices of the peace, shall be adjudged to be sent back to confinement, and shall receive punishment by whipping not exceeding fifty lashes.

Penalty on gaoler suffering Slaves in his custody to escape from punishment.

42.—And be it further enacted by the authority aforesaid, that if the provost marshal, or any of his deputies, or any constable, gaoler, or workhouse keeper, shall willingly or negligently suffer any Slave to escape, so that such Slave shall not be retaken, such marshal, constable, gaoler, or workhouse keeper, shall forfeit a sum not exceeding twenty pounds, without prejudice to the owner's action of damages.

Slaves killed in the public service to be paid for.

43.—And be it further enacted, that if any Negro or other Slave at any time of invasion, or appearance of any enemy, shall be killed in service of the country, the owner shall be paid out of the public treasury the full value of such Slave, to be ascertained by any two justices of the peace.

Penalty on persons having charge of any plantations unpermitting more than twelve strange Slaves, there to assemble.

44.—And be it further enacted by the authority aforesaid, that if any master, owner, guardian, or attorney of any plantation or settlement shall suffer any strange Slaves, exceeding twelve in number, to assemble together, and beat their drums, or blow their horns or shells, in any place under his, her, or their care and management, or shall not endeavour to disperse or prevent such meeting by giving notice thereof to the next magistrate or commissioned officer that a proper force may be sent for the purpose, every such master, owner, guardian, or attorney, shall forfeit for every such offence the sum of fifty pounds; provided information of such offence be given upon oath within five days after the commission of such offence.

All officers authorized

45.—And be it further enacted by the authority aforesaid, that all

to disperse unlawful assemblies.

officers, civil and military, shall be and they are hereby empowered and required to enter into any place whatever, in order to disperse any unlawful assembly of Slaves, and to suppress and prevent all riotous unlawful drumming or other noise, any law, custom, or usage to the contrary notwithstanding.

Penalty on Slaves having fire-arms, &c. in possession.

46.—And be it further enacted by the authority aforesaid, that any Slave who shall hereafter be found to have concealed in his or her house, or otherwise in his or her possession, any fire-arms, gunpowder, slugs, or balls, shall, on conviction before any two justices, suffer such punishment as the said justices shall think proper to inflict by whipping.

Punishment of Slaves offering violence to a white person.

47.—And be it further enacted by the authority aforesaid, that any Slave who shall offer violence (by striking or otherwise) to any white person, shall be punished with such punishment, not extending to life or limb, as the court shall think proper to inflict: Provided such conflict or striking be not by command of the owner of such Slave, or his or her attorney, overseer, or other person having authority over such Slave, or in the lawful defence of his owner's person or property.

Punishment of Slaves preparing or giving poison.

48.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall mix or prepare with intent to give any poison or poisonous drug, or shall actually give, or cause to be given any such poison or poisonous drug, although death may not ensue from the taking thereof, such Slave, together with all and every accessary and accessaries, as well before as after the fact, (being Slaves,) being thereof duly convicted, shall suffer death, transportation for life, or such other punishment as the court shall think proper.

Punishment of Slaves found with the flesh of beef, mutton, &c., in their possession.

49.—And whereas, horned cattle, sheep, horses, mares, and asses, are frequently stolen and killed by Negro and other Slaves in so secret and private a manner, as to render conviction very difficult, for prevention thereof, Be it further enacted, that if any Negro, or Slave or Slaves shall fraudulently have in his, her, or their possession, any fresh beef, mutton, or veal, or the flesh of any horse, mare, mule, or ass, in any quantity exceeding five pounds, and not exceeding twenty-eight pounds, every such Negro or other Slave shall, upon conviction before any two justices of the peace, be whipped in such manner as such justices shall direct, not exceeding thirty-nine lashes; and if there shall be found fraudulently as aforesaid in his, her, or their custody or possession, a larger quantity than twenty-eight pounds' weight of such beef or other flesh, that then every such Negro or other Slave shall suffer such punishment as the justices shall think proper to direct, not extending to life or limb.

Punishment of Slaves stealing cattle.

50.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall feloniously steal any horned cattle, sheep, horse, mare, gelding, mule, or ass, or shall kill any such horned cattle, sheep, horse, mare, gelding, mule, or ass, with intent to steal the same, or any part of the flesh thereof, such Negro or other Slave shall suffer death, or such other punishment as the court shall think proper to inflict.

51.—And whereas several Slaves have lately found means to depart from these islands to the great damage of their owners, and to the evil example of other Slaves, who may thereby be induced to attempt to conspire to do the same: And whereas there is reason to suspect that Slaves have been aided and assisted in their departure by other persons, and no adequate punishments are provided by law for such offences, for remedy thereof: Be it further enacted by the authority aforesaid, that if any Negro or other Slave shall run away from his or her owner or owners, employer or employers, and go off, or conspire or attempt to go off, these islands in any ship, boat, canoe, or other vessel or craft whatsoever, or be aiding, abetting, or assisting, to any other Slave or Slaves in deserting and going off, or conspiring and attempting to go off, or aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer transportation, or such other punishment as the court shall think proper to inflict, not extending to life or limb.

Punishment of Slaves for aiding Slaves in running away.

Of free persons of colour suspended by 6th section of amended consolidated Act, passed 7th Geo. IV.

52.—And be it further enacted by the authority aforesaid, that if any free Negro, Indian, or Mulatto shall be aiding, assisting, and abetting any Slave or Slaves in deserting and going off these islands, and shall be

thereof convicted, he, she, or they shall be subject to be transported from these islands by the provost marshal or his deputy; and any such person so convicted, sentenced, and transported, who shall afterwards be found at large within these islands, shall suffer death without benefit of clergy.

Of white persons.

53.—And be it further enacted by the authority aforesaid, that any white person who shall knowingly be aiding, assisting, or abetting any Slave in deserting and going off these islands, shall forfeit the sum of one hundred pounds; and shall also suffer imprisonment for any space of time not exceeding twelve months, without bail or mainprize; and such punishment is declared to be without prejudice to any suit or action which may be brought or had by the party injured for recovery of damages, for and on account of the same.

Persons aiding Slaves going off these islands may be proceeded against whether the principal be convicted or not.

54.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, and abetting such Slave or Slaves in going off these islands, whether the principal or principals be convicted or not; anything in this or any other act, or any law, usage, or custom to the contrary notwithstanding.

Slaves not to carry any dry goods about for sale, without a ticket from their owners.

55.—And be it further enacted, that no Negro or other Slave, shall on any pretence, barter or carry about for sale or barter, any dry goods of any kind whatever, unless by a ticket, or consent in writing, of his or her owner or owners to that effect, specifying the articles they may have for sale, and in default of such ticket or consent, it shall and may be lawful for any white person to take and seize all such goods, and to deliver them to the provost marshal or his deputy, who shall forthwith sell the same at public auction, and pay the nett proceeds thereof into the public treasury.

Slaves not to vend spiritous liquors.

56.—And be it further enacted by the authority aforesaid, that no Negro or other Slave shall vend or retail any spiritous liquors whatever; and if any Slave without the knowledge of his or her owner or employer, shall sell or vend any spiritous liquors whatsoever, such Slave for every such offence, shall be publicly whipped by order of any two justices of the peace; but if it shall appear to have been done with the knowledge of his or her owner or employer, then, and in that case, such owner or employer shall forfeit the sum of forty pounds, to be recovered in manner hereinafter directed.

Punishment of Slaves for gambling.

57.—And be it hereby enacted, that every Slave who shall play at dice or cards, or be guilty of any other kind of gaming, shall be publicly whipped by order of any two justices of the peace; and any keeper of a tavern or punch-house, who shall suffer any Slave or Slaves to game, get drunk, or tipple in or about his or her house, shop or premises, or to remain in or about the same, after the hour of eight o'clock at night; or shall at any other time sell rum, or any other spiritous liquors to any Slave to whom he or she shall have been forbidden by the owner or employer of such Slave to sell liquor, shall suffer any such Slave after having been so forbidden, to loiter or remain in or about his or her house, shop or premises, shall forfeit the sum of twenty pounds.

The same practice to be observed on the trial of Slaves charged with capital offences, as on the trial of white persons or free persons of colour charged with the like offence.

58.—And whereas it is deemed expedient and proper, that the trial of Slaves charged with treason, murder, or other felonious offence, not having the benefit of clergy, should hereafter be had and proceeded on in the General Court of these islands, according to the form and practice of the said court, used and followed therein on the trial of white persons, or free persons of colour charged with the like offences: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, when any Slave or Slaves shall be charged with treason, murder, burglary, robbery, burning of houses, or other felony, or offence whatsoever, from which the benefit of clergy is taken away by any statute or act of parliament of Great Britain now or hereafter to be in force within the Bahama Islands, or by this or any other Act of the General Assembly of the same islands, the trial of such Slave or Slaves (a bill or bills of indictment being first found by the grand inquest for the body of the said Bahama Islands, and which bill or bills of indictment, the Attorney-General of these islands, or other officer prosecuting in the name of his Majesty, shall and lawfully may prefer) shall be had and proceeded upon in the General Court of said

Bahama Islands, by and before the chief justice and assistant justices of the said court, or some or one of them, in the same manner and form, and according to the same course, usage, and practice established, observed, and followed therein, for and upon the trial of any white person, or free person of colour, charged with the like crimes and offences, save and except only, that the evidence of Slave against Slave shall in all cases be received.

Sentence of death to be pronounced by one of the judges of the General Court, on any Slave convicted of any capital offence not clergyable.

59.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be convicted in the said court of any treason, murder, or other felony or offence, from which the benefit of clergy is taken away as aforesaid, it shall and may be lawful for the chief justice and assistant justices of the said General Court, or some one of them, to pronounce sentence of death upon such Slave or Slaves, so convicted as aforesaid; and the provost marshal of the said islands, or his lawful deputy, is hereby authorized and required to cause such sentence to be carried into execution at such time and place as such chief justice and assistant justices, or some or one of them, shall think proper to direct and appoint.

Parts of Acts relative to the mode of proceeding on the trial of Slaves suspended.

60.—And be it further enacted by the authority aforesaid, that so much and such part and parts of any Act or Acts of the General Assembly of the said Bahama Islands as prescribe or regulate any mode of proceeding on the trial of Slaves accused of crimes punishable with death, different from that hereinbefore established and appointed, shall be, and the same is, and are hereby suspended from and after the passing of this Act, for and during the continuance of this Act and no longer.

Mode of proceeding on the trial of Slaves for any clergyable offence.

61.—And be it further enacted by the authority aforesaid, that upon complaint being made to any justice of the peace of any clergyable felony or other offence committed by any Slave or Slaves, and which is hereby declared to be punishable with transportation, such justice shall issue his warrant for apprehending such offender or offenders, and for all persons that can give evidence to be brought before him or any other justice of the peace, and evidence of Slave against Slave shall in all cases be received; and if upon examination the charge shall appear to be well founded, the justice before whom such examination shall be had and taken, shall commit the accused to prison, and bind over the witness to appear at a certain day and place, not less than ten, or more than thirty days from the day on which the complaint shall have been made; and shall certify to any other justice of the peace the cause of such commitment, and require him to associate himself with him, which the said justice is hereby required to do under the penalty of forty pounds; and the said justices so associated shall issue their warrant to summon seven persons, such as are liable to serve on ordinary juries (the master, owner, or proprietor of the Slave or Slaves so complained of, or the attorney, guardian, overseer or manager of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, overseer or manager always excepted) personally to be and appear before the said justices, at the day and place appointed for the trial, between the hours of eight and twelve of the clock in the forenoon, when and where the said justices shall cause the accused to be brought before them; and thereupon five of the persons so summoned shall (the charge of accusation being first reduced to writing and read) be sworn to try the matter before them, and give a true verdict according to evidence, which charge or accusation shall not be questioned for any want of form, but shall be deemed valid if sufficient in substance; and if the said jurors shall, upon hearing the evidence, unanimously find the said Slave or Slaves guilty of the offence of which he, she, or they shall stand charged, the said justices shall forthwith pass sentence upon such offender or offenders according to the nature of the offence, and shall cause such sentence to be carried into execution, at such time and place as they shall think proper: Provided always, nevertheless, that the justices of the peace, or any two or more of them, resident upon any of the islands within this government, shall and may hereafter hold Slave courts upon the first Tuesday in January, April, July, and October in every year, to continue and be holden five days successively (if necessary) and not longer; and shall have full power and authority to inquire into, hear and determine, all and all manner of clergyable offences, or other offences com

mitted by any Slave or Slaves, and which is hereby declared punishable with transportation or other punishment, not extending to life or limb; and shall open the said court by proclamation, declaring the same to be a Slave court for such purpose; and that any two of the said justices shall thereupon proceed to try and deliver the workhouse or gaol within the islands or parish, of all Slaves who shall be in custody of the gaoler or workhouse keeper, charged with any such last-mentioned felony or offence, and shall cause a jury to be called, and taken from the panel returned to the said court, forthwith to be sworn, as they shall appear, to try all and every such Slave and Slaves as shall be brought before them charged with any of the offences last aforesaid, and to give a true verdict according to evidence, as in other cases.

Who shall constitute a Slave court.

62.—And be it further enacted by the authority aforesaid, that not less than two justices and five jurors shall constitute any such Slave court; and that upon any such trial no peremptory challenge of any juror, or any exception to the form of the indictment, shall be allowed.

Punishment of Slaves giving false evidence.

63.—And be it further enacted by the authority aforesaid, that any Slave wilfully giving false evidence on any trial to be had before any Slave court under this Act, shall suffer the same punishment as the person or persons on whose trial such false evidence was given, would, if convicted, have been liable to suffer, or such other punishment as the justices shall award, not extending to life or limb.

Gaol fees due for Slaves dying in custody to be paid by the public.

64.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be discharged by proclamation, or shall die in custody, the marshal, gaoler, or workhouse keeper shall be entitled to receive out of the public treasury all such fees as shall be due for such Slave or Slaves at the time of such discharge or death.

Constables to attend Slave courts.

65.—And be it further enacted by the authority aforesaid, that the constables of the respective islands and districts shall be obliged to attend every such trial or court under the penalty of twenty pounds for such neglect; and the constable executing any sentence shall be entitled to receive out of the public treasury the sum of twenty shillings upon producing the certificate of the justices aforesaid.

Penalty on persons neglecting to attend

66.—And be it further enacted, that any person who shall be drawn and duly summoned to serve as a juror in any trial to be had by virtue of this Act, and who shall neglect to attend, or after appearance shall depart without leave, shall forfeit the sum of six pounds.

Notice of trial of any Slave to be given to the owner.

67.—And be it further enacted by the authority aforesaid, that no such trial of any Slave shall be had until after reasonable and sufficient notice of such trial shall have been given to the owner or proprietor of such Slave, or to his, her, or their attorney or attornies, or other representative or representatives, where any such can conveniently be found within the colony; any law, usage or custom to the contrary notwithstanding.

Valuation of Slaves sentenced to be transported to be made by a jury.

68.—And be it further enacted by the authority aforesaid, that in all cases where any Slave shall receive sentence of death or transportation, the jury shall appraise and value such Slave, and the justices shall certify such valuation: Provided always, that such valuation shall not in any case exceed sixty pounds for any one Slave: And provided also, if it shall appear that the owner or possessor of such Slave had treated him or her with inhumanity, and that necessity or hard usage might have driven such Slave to the commission of the offence of which he or she shall have been convicted, that then, and in such case, no valuation shall be made nor certificate granted, and the owner shall not be entitled to receive any allowance whatever for such Slave from the public.

Appropriation of monies arising from the sale of transported Slaves.

69.—And be it further enacted by the authority aforesaid, that in all cases where any Slave valued as aforesaid, shall be executed or transported by virtue of this Act, such Slave shall be paid for at the public expense, and the nett money arising from the sale of any Slave sold for transportation shall be accounted for on oath by the provost marshal or his deputy, and paid over to the receiver general for the use of the public.

Slaves transported and returning shall suffer death.

70.—And be it further enacted by the authority aforesaid, that any Negro or other Slave who shall be transported from these islands by virtue

of this Act, and shall wilfully return from transportation, shall, upon conviction, suffer death, without benefit of clergy.

Penalty on persons concealing Slaves against whom warrants shall be granted.

71.—And be it further enacted by the authority aforesaid, that when any warrant shall be granted by any one or more of his Majesty's justices of the peace against any Slave who cannot be taken, the owner, attorney, possessor, guardian or overseer, of every such Slave, shall be served with a copy of the said warrant, and if he, she, or they do not send or produce such Slave to the justice or justices to be dealt with according to law, and it shall afterwards be proved that such owner, attorney, guardian, possessor or overseer, wilfully detained or concealed such Slave, he, she, or they, shall forfeit the sum of one hundred pounds.

Manumitted Negroes to be tried as Slaves.

72.—And be it further enacted, that all such Negroes, Mulattoes, Mustees, and Indians, as have been Slaves, and have been or shall be made free, shall, for all misdemeanours and offences under the degree of felony, be tried and adjudged in manner and form hereinbefore directed for the trial of Slaves, and the evidence of a Slave or Slaves shall be admitted on such trials; any law, usage, or custom to the contrary notwithstanding.

Summary mode of punishment for inferior offences.

73.—And whereas misdemeanours and offences of inferior degree are frequently committed by Slaves, which ought to be punished in a summary manner: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for any two justices of the peace, in a summary manner, to hear and determine all crimes and misdemeanours below felony, or other offences whatsoever, committed by every Slave or Slaves, and to which the punishment of transportation hath not been annexed by this Act, committed by any Slave or Slaves, giving sufficient notice to the owner or owners of such Slave or Slaves, or his, her, or their attorney or attornies, or to the person having the care of such Slave or Slaves of the time or place of trial; and to order and direct such punishment to be inflicted on any such Slave, as the justices in their discretion shall think fit, not exceeding fifty lashes. And the constable attending such trial, and executing any such sentence, shall be entitled to have and receive ten shillings, to be paid by the master, owner, or possessor of such Slave or Slaves, on non-payment whereof, it shall and may be lawful for the justices to issue their warrant for levying the same, together with costs and charges.

Runaway Slaves to be committed to gaol only, when there is no workhouse to receive them.

74.—And be it further enacted by the authority aforesaid, that no runaway Slave shall, on any account, be committed to gaol by any magistrate of a parish where there shall be a workhouse established, but to such workhouse only.

Powers vested in vestries and justices to be executed by justices or vestries where there are not both.

75.—And be it further enacted, that in all cases in which by this present Act, or by any other Act of the General Assembly, any power or authority is vested in the justices and vestries, such power and authority shall be executed by the justices, or any two of them, in islands where there are no vestries, or by the vestrymen, or any six of them in islands where there are no justices.

Penalties how recovered and appropriated.

76.—And be it further enacted by the authority aforesaid, that all forfeitures and penalties given by this Act, of which the recovery and applications have not been otherwise directed, shall, if not exceeding twenty pounds, be recovered in a summary manner before any two of his Majesty's justices of the peace, and shall be levied, together with costs, by distress and sale of the offender's goods and chattels; and if exceeding twenty pounds, shall be recovered with costs in the General Court of these islands, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, or *non vult ulterius prosequi* shall be allowed or entered; one moiety of which penalties shall be to the use of the parish where the offence shall have been committed, and the other moiety to the informer, or to him, her, or them, who shall sue for the same.

Duration of this Act.

77.—And be it further enacted by the authority aforesaid, that this Act, and every clause, matter, and thing therein contained, shall continue and be in force for and during the term of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly and no longer.

"An Act for the more effectual Punishment of those Persons who shall attempt to commit the Crime of Arson.

January 28th, 1824.

WHEREAS attempts have lately been made, by evil disposed person or persons, to set fire to different houses in the town of Nassau, (in which town the houses are generally built of wood) and whereas it is necessary for the safety of the lives and property of the inhabitants of these islands, that so unlawful and atrocious an attempt should be made a capital offence: May it please your Majesty that it may be enacted, and be it therefore enacted by his Excellency Lewis Grant, Esquire, Major-general of your Majesty's forces, Captain-general and Governor in chief, the Council and Assembly of the Bahama Islands, that from and after the passing of this Act, if any person or persons shall wilfully and maliciously attempt to set fire to, with intent to burn and destroy any house, store, shop, kitchen, warehouse, or other out-building, being in the possession of any other person or persons, although no part of such house, store, shop, kitchen, warehouse or other out-building shall take fire, or be actually burnt, every person so offending shall be deemed and taken to be guilty of felony without the benefit of clergy, and shall suffer death accordingly.

Preamble.

Disallowed by his Majesty.

The attempt to commit the crime of arson declared felony, without clergy.

No. 7.

New Providence, Bahamas, 6th February, 1827.

My Lord,

REFERRING to my despatch to your Lordship dated 8th January last, I have now the honour to enclose for your Lordship's information, a copy of the Report made to me by the Attorney General and Solicitor General on the eight several Bills for the melioration of the condition of Slaves, brought before the House of Assembly of these Islands in last Session.

And I have the honour to be, &c.

(Signed) W. VESEY MUNNINGS.

The Right Hon. Earl Bathurst, K. G.,
&c. &c. &c.

Sir, *Nassau, 19th January*, 1827.

WE have had the honour to receive a letter addressed to us by your Honour on the 23rd of August last, accompanied by a copy of Earl Bathurst's despatch (and its enclosures) of the 21st May, 1826, and in obedience to his Lordship's commands having prepared and submitted to your Honour, for your Honour's consideration, the drafts of as many Bills as appeared to us best adapted for giving full and complete effect to the wishes of his Majesty's government, as explained in the drafts so transmitted to us, we have only now to add, that, with the exception of those enactments in the Slave Melioration Act of 1824 which relate to the marriages of Slaves and the separation of families, we have deemed it advisable not to attempt at present a consolidation of any other of the existing laws of the colony, or any part or parts of them, with the projected Bills, and that a suspending clause was added by us to each of them, in order that their several and respective enactments might come into immediate and simultaneous operation, so soon as his Majesty should have been pleased to appoint a protector and guardian of Slaves for the colony, an officer to whom they all have reference.

We have, &c.,

(Signed) WILLIAM MARTIN.
J. B. WYLLY.

His Honour the President,
&c. &c. &c.

BARBADOES.

No. 1.

(No. 25.)

SIR, *Downing Street* 19*th March* 1826.

WHEN I had the honour of communicating to Lieutenant General Sir Henry Warde the resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Barbadoes, some of the measures which His Majesty's government recommended for improving the condition of the Slave population.

In 1824, I had the honour of communicating to him a copy of the Trinidad order in Council, containing with the others the further measures which His Majesty's government considered it to be their duty to propose, for carrying into effect in His Majesty's Colonies, the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing him to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance that it should be left for them to proceed in such manner, as might appear to them advisable for taking all these several measures into their consideration.

Discussions for two years together, have since taken place in the Legislature, and they have ended in an Act, in which I regret to say, I find none of the recommended reforms, and which, however beneficial in several of its provisions, contains some which obliged me to direct your submitting it to the Legislature for revision.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords, with the resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Barbadoes.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's government contemplate, for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of Barbadoes on the establishment of a system, both for the improvement of the condition of the

Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament.

Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object would be facilitated by the report of the commissioners of legal inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the courts of justice in the island. I have, &c.

(Signed) BATHURST.

The Officer Administering the Government of Barbadoes.

No. 2.

(No. 30.)

SIR, *Downing Street, 21st May* 1826.

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you, that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council classed under separate heads.

Vide Bahamas

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First,—The office of Protector and Guardian of Slaves. Secondly,—The admission of the evidence of Slaves in civil and criminal cases. Thirdly,—The manumission of Slaves. Fourthly,—The intermarriage of Slaves. Fifthly,—The observance of Sunday, and the abolition of public markets on that day. Sixthly,—The acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it. Seventhly,—The separation of families under judicial process. And Eighthly,—The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parliament. Sessions 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Barbadoes. I am aware also that, upon some of the topics comprised in these papers, the wishes of His Majesty's government have already, to a certain extent, been anticipated by the existing laws of the island; and that, without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same, or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and preci-

sion. His Majesty will however, be ready to confirm any laws in which the Legislature of Barbadoes may effectually imbody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the law officers of the crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's government, as explained in the enclosed drafts. In performing this duty they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the colony, in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion, with such discretion and with such a regard to the constitutional privileges of the Council and Assembly as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the colonial legislature.

At the conclusion of the session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch, without again reminding you, that His Majesty's government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom; on the contrary, I must still hope that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Barbadoes, fully carrying into effect the spirit of the various provisions which by His commands I have now the honour to transmit to you.

I have, &c.

(Signed) BATHURST.

The Officer Administering the Government of Barbadoes.

No. 3.

Extract from a Despatch from Lieutenant-general Sir Henry Warde, K. C. B., to Earl Bathurst, dated 5th September 1826. *No.* 2.

"I HAVE the honour herewith to transmit copies of the addresses which I propose to deliver to both branches of the Legislature this day."

Extract from the Address of Lieutenant-general Sir Henry Warde, K. C. B., to the Legislature of Barbadoes.

"THE composition of your present honourable House, being so nearly the same as the one which existed when I quitted the colony, I may venture to anticipate that such instructions which I may have from time to time to communicate to you, will meet with all due attention and consideration, and with a cool and dispassionate discussion; and I may further express a strong and anxious hope, that such measures as may have been recommended to you, for legal enactment by the British Legislature, and by the instructions of His Majesty's Secretary of State, will be, as far as possible, carried into effect, as the best mode, in my poor judgment, (under all the circumstances) of restoring the tranquillity and promoting the welfare of the Colony."

No. 4.

(No. 8.)

My Lord, *Government House, Barbadoes, October 4th,* 1826.

I HAVE the honour to state, for your Lordship's information, that immediately after having perused your Lordship's letter, No. 30, of May the 21st, 1826, addressed to the officer administering the government of Barbadoes, received by him on the 24th June, I made application to the Solicitor General, to whom copies of your Lordship's letter and its accompanying documents had been referred, for the purpose of the eight drafts of the proposed Acts being rendered into proper form and language, to be submitted to both branches of the Legislature for legal enactment, requesting that he would inform me when he could have it in his power to return them to me for inspection, and I herewith transmit copies of my correspondence with him on the subject; and not having to this moment received any thing further from this officer, your Lordship will perceive that these drafts cannot now be prepared in time for their being properly taken into consideration during the present session, which expires on the 24th instant.

The House of Assembly are this day sitting, when I have been given to understand, that it is expected a new Slave Amelioration Act will pass that House, and from what I have heard relative to the wishes of his Majesty's government being carried into effect on the important points required, I am led to hope, that the Bill now in progress, will treat on the points mentioned in your Lordship's letter, No. 30, of the 21st of May, and that it is expected many will be carried into effect; from these circumstances, and from the wording of your Lordship's letter, cautioning me to use discretion in submitting your Lordship's instructions to the Colonial Legislature, so as not to afford them any reasonable cause for any jealousy or complaint, I conclude, that I shall be justified in affixing my signature to the Bill now in progress, should it embrace many of the points required in your Lordship's despatch of the 21st May, 1826, and have a suspending clause attached to it on the principle of doing justice to the Colonial Legislature, by shewing what have been their wishes to meet the views of his Majesty's government, without having received your Lordship's last instructions on the subject; as I apprehend, that should any additions or improvements in the Act be required, or indeed, should the Act itself not be approved, very little delay will occur in my submitting the eight drafts of the enactments in your Lordship's last instructions before the Colonial Legislature, after the re-assembling of the new House of Assembly, provided I may be honoured

by your Lordship's instructions at an early period after the Act now pending may have been received in England.

I herewith transmit copies of the replies of the Council and House of Assembly, to my address of the 5th ultimo, as the latter alludes to the Slave Amelioration Act, referred to in this correspondence.

I have, &c.

(Signed) HENRY WARDE.

The Earl Bathurst, K. G.
&c. &c. &c.

Sir, *Government House, Barbadoes, 6th Sept.* 1826.

Referring to Earl Bathurst's despatch, No. 30, of the 21st May 1826, which transmitted various enclosures relative to Slave amelioration, copies of which were forwarded to you on the 3rd July last, by his Honour the President, to enable you to form from those documents drafts of Acts to be laid before the Legislature of this Colony, I am directed by his Excellency the Governor, to request you will be pleased to state for his information, in what state of forwardness the said drafts now are, and the probable period when they may be in readiness to be submitted to the Legislature.

I have, &c.

(Signed) G. A. DELHOSTE, Private Secretary.

The Honourable the Solicitor General,
&c. &c. &c.

(Reply)

Sir, *Bridgetown, 7th Sept.* 1826.

In reply to your letter of the 6th instant, referring to Earl Bathurst's despatch No. 30, of the 21st May, 1826, which transmitted various enclosures relative to Slave amelioration, copies of which were forwarded to me on the 3rd July last, by his Honour the President, to enable me to form from those documents drafts of Acts to be laid before the Legislature of this Colony, I beg leave to acquaint you for the information of his Excellency the Governor, that I have nearly prepared drafts of the Acts above mentioned, and that I will use my utmost endeavours to engross each of them so as that they may be presented to his Excellency the Governor, within a few days previously to the time next appointed for a meeting of the Legislature of this Island.

I have, &c.

(Signed) WILLIAM GRIFFITH.

Captain Delhoste, Private Secretary,
&c. &c. &c.

Sir, *Government House, 22d Sept.* 1826.

As a meeting of the Legislature is to take place on Tuesday next the 26th instant, I am directed by the Governor to request that you will be pleased to state for his information, whether the drafts of the Acts relative to Slave amelioration, will be in readiness to be submitted to the Legislature, as the drafts alluded to must of course, in concert with yourself, be carefully examined and considered by his Excellency previous to their being laid before it, a measure which will necessarily occupy some time.

I have, &c.

(Signed) G. A. DELHOSTE, Private Secretary.

The Honourable the Solicitor General,
&c. &c. &c.

(Reply)

SIR, *Bridgetown, 23d Sept.* 1826.

I have received your letter of the 23d instant, and I am sorry to state that hitherto I have not been able to finish the drafts of the Acts relative to Slave amelioration. They now occupy my undivided attention, and I expect before long to have the honour of submitting them to the consideration of his Excellency the Governor.

I have, &c.

(Signed) WILLIAM GRIFFITH.

Barbadoes.—*To His Excellency* SIR HENRY WARDE, K. C. B. &c. &c. &c.

May it please your Excellency,

WE, the representatives of the people in general assembly, this day assembled, beg to offer to your Excellency our sincere congratulations on your safe arrival in this island, to fill, for the second time, the chair of its government. We have much pleasure in tendering to your Excellency the thanks of this House, for the kind speech which you were so graciously pleased to deliver at the last meeting, to the Council and Assembly, on the occasion of their being called together after your Excellency's return to the Island. The recollection of your Excellency's former administration warrants the confidence with which we look forward to the future; and from the happy experience we have already had, we anticipate a continuance of the same enlightened and disinterested attention to the credit and prosperity of the colony, which has hitherto marked your Excellency's conduct. It is at this "critical juncture" that the candour and integrity which so conspicuously distinguished your Excellency's character, must prove of essential benefit to the people over whom you preside. No suspicion on the part of our enemies can attach to the motives of your Excellency's public conduct; and on that candour and integrity we also rely for the justice of your representations. We gladly embrace the opportunity afforded us, to express our satisfaction at the zeal with which the reins of government have been held during your Excellency's absence, and to do justice to the impartiality and propriety with which his Honour, the President, has discharged the important duties of his situation. We sincerely trust that the liberal, kind, and conciliating sentiments professed by your Excellency, may meet with a correspondent feeling from every quarter; and we beg to assure your Excellency, on our part, of our anxiety to preserve unimpaired the good understanding which ought always to exist between the different branches of administration. We thank your Excellency for the attention you have paid to the wishes of the House, in furthering their petition for the repeal of the Alien Act. Your Excellency may rely that such instructions as you may, from time to time, communicate to us, will, as hitherto, meet with all due attention and respectful consideration, and shall undergo our cool and dispassionate discussion. A Slave Consolidation Bill, embracing, as far as possible, the recommendations of His Majesty's Secretary for the Colonies, had already passed our House, after a full and patient discussion; but as some few objections to that Bill were entertained by the Honourable Board of Council, a new Act of the same import has been introduced and considered, which, in a very short time, we hope to send forward for your Excellency's approval. In noticing your Excellency's especial recommendation for the passing of bills to improve the gaol, and to establish a proper and well-regulated police in Bridgetown, we assure your Excellency that both these subjects shall again have our earliest attention. Much time was spent by the House in preparing and passing a bill, during the late administration of Mr. President Skeete, for the better regulation of the gaol; but as it had not received the concurrence of the Honourable Board of Council, prior to your Excel-

lency's return to your government, it must of necessity be introduced *de novo* in the House.

We take occasion again to assure your Excellency of our readiness to co-operate in passing any bills that may tend to the good of His Majesty's service, and to the welfare and advantage of our constituents, the faithful and attached inhabitants of this His most ancient and loyal colony.

By order of the House,

(Signed) ROBERT HAYNES, Speaker.

House of Assembly, 26th September 1826.

No. 5.

(Slavery, No. 9.)

My Lord, *Government House, Barbadoes, 24th October* 1826.

WITH reference to my letter No. 8, of the 4th instant, I have now the honour to transmit to your Lordship copy of a bill which has received my assent, entitled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security; for altering the mode of Trial of those charged with capital and other Offences, and for other Purposes." No. 1 Act.

After mature reflection, I have been induced to affix my signature to this Bill, and at the same time to forward various documents with it, fully explaining the present state of opinions here on the subject of it, and the reasons for their rejection of some of the clauses required, as far as I have the possible means of collecting them, together with my own, for my decision on the occasion. First,—Your Lordship will perceive that the eight heads of a Bill submitted to the Solicitor General by Mr. President Skeete, to be considered and framed by him into proper form and language, to be laid before the Colonial Legislature for enactment, were not completed and returned to me, until late in the day of the 20th instant; which rendered it impossible for me to act upon them previous to the opening of a new House of Assembly, had no Act of any kind for the amelioration and consolidation of the Slave laws passed during the present session; but such a Bill having passed, embracing some of the heads required to be enacted by your Lordship, and when I revert to the tenor and words of your Lordship's letter, which accompanied these eight heads, to be eventually submitted to the Colonial Legislature for enactment, wherein I am directed to be cautious in presenting them, so as not to afford them any just cause of offence, I fear that the Legislature would be offended should I do so previous to having first submitted their own Slave Amelioration Act for His Majesty's consideration and decision; for although the Members of Council, in their legislative capacity, have deemed this Bill incomplete, they have yet passed it unanimously; and as it contains a suspending clause, preventing it ever becoming a law, in case that His Majesty should disapprove of it, my refusal to affix my signature to it might be considered unusual and arbitrary on any occasion, but more particularly so, when the Bill in question is of such extreme importance in every point of view; and further, should I refuse my signature, I must at once decide on a point on which I fear I might possibly be exercising an authority beyond what I ought properly to do. That with this view of the subject, and this Bill not having been submitted to me until late in the day of the 20th instant, and having been handed over on *Saturday* the 21st instant to the Solicitor General to report upon it, who stated that he could not possibly return it to me, together with his report, until after this day, when the present House of Assembly would cease to exist, and when my signature would no longer be valid; and that under such circumstances it might be proper that this Bill should be recommitted in the new House of Assembly, and again pre-

sented to me after a long lapse of time, when I should only arrive at the very same point where I now stand, and as it is therefore impossible (even if a proper measure for me to adopt) now to form a correct judgment of the merits or demerits of this Bill, I feel it my duty under all the circumstances, *as it has* a suspending clause, to sign it, and await your Lordship's positive instructions to guide my future steps in the business; and having now in the decision I have made, endeavoured, according to the sincere dictates of my own conscience and poor judgment, to do what appears to me correct and proper, I have only to express a strong hope that it may be honoured by His Majesty's most gracious approbation.

No. 2 Act. I have affixed my signature to the Act (copy of which is enclosed) entitled "An Act for the Encouragement of Baptisms and Marriages amongst Slaves, and for the due Observance of the Lord's Day, commonly called Sunday, Christmas day, and Good Friday,"—on the same principle as I have signed the other Act: and for the best explanation of the general opinion held here, that time will be voluntarily granted the Slaves by their masters for a market, I annex the copy of a speech of Dr. Maycock, a very sensible and well-informed man, delivered by him at a public meeting assembled for the purpose of establishing a branch society on this island for the conversion of the Negroes to christianity.

I may further add, that although nothing whatever on the subject of the eight heads of a Bill for the amelioration of the Slaves required by your Lordship's despatch No. 30, has been officially submitted to either branch of the Legislature, yet it is reasonable to believe that they are *perfectly* acquainted with the subject, as accounts of how they have been received and acted on in other colonies, have appeared in the daily journals of this island, during the consideration and discussion of the Acts now passed.

No. 3 Act. I have also enclosed a copy of an Act entitled "An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this island, and to repeal Acts and parts of Acts relating thereto"—which the 13th article of my instructions (copy of which is annexed) forbids my signing, as repealing Acts passed in this government, without a suspending clause, of which this Bill is deficient, and in returning thisAct on the meeting of the next House of Assembly, I shall recommend them to recommit it; but should the copy of the Act now transmitted be approved of by His Majesty, and nothing militate against the measure, I should request that special permission might be allowed me to affix my signature to it, and to put the law in force immediately on receiving His Majesty's approbation thereof, as much anxiety appears to exist for the speedy enactment of this law.

I have not yet received the Solicitor General's report, but it shall accompany the Acts.

The annexed schedule will detail the number and description of documents which accompany this despatch.

I have &c.
(Signed) HENRY WARDE.

The Earl Bathurst, K. G.
&c. &c. &c.

P. S. 2*d November* 1826.

I regret that on application to the Solicitor General for his report on the Consolidation Amelioration Slave Act, he has informed me that he could not possibly furnish me with it to accompany this despatch, yet I hope that the documents now transmitted will afford your Lordship every information required.

(Signed) HENRY WARDE.

Schedule of documents transmitted with Lieutenant General Sir Henry Warde's despatch No. 9, dated Barbadoes, 24th October 1826.

No. 1. (Bill.)

Documents in explanation of No. 1. (Bill).

1 Act No. 82 of Hall's Laws
2 ditto — 91 ditto
3 ditto — 92 ditto
4 ditto — 93 ditto
5 ditto — 112 ditto
6 ditto — 116 ditto
7 ditto — 117 ditto
8 ditto — 161 ditto
9 ditto — 164 ditto
10 ditto — 196 ditto
11 Act No. 5 of Moore's Laws
12 ditto — 37 ditto
13 A Manuscript Act passed 14th March, 1809
14 ditto ditto 2d December, 1817
15 ditto ditto 28th July, 1818
16 ditto ditto 29th July, 1818
17 ditto ditto 26th May, 1819
18 The Speaker's explanation respecting No. 1 Bill dated 23rd October, 1826
19 Minutes of Legislative Council of 17th October 1826.

No. 2. (Bill.)

No. 3. (Bill.)

Documents in explanation of No. 3. (Bill)

1 A Manuscript Act passed 27th February, 1739
2 ditto ditto 21st January, 1783
3 ditto ditto 5th February, 1817
4 Mr. Hind's explanation of No. 3 Act.
Copy of Dr. Maycock's speech delivered on the 2d August 1825,
Copy of the 13th article of his Majesty's instructions.

No. 1. (Bill.)

An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act, the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with capital and other Offences, and for other Purposes.

Preamble.

WHEREAS many circumstances arising out of the present state of the Slave population, render it necessary that the laws enacted by the prudence and wisdom of our forefathers for their government, should be revised, consolidated, and brought into one Act, in order to prevent confusion, and that justice may more effectually be executed. And whereas for the purpose of giving further security and protection to Slaves, the mode of trial of those charged with capital or other offences, should be altered. And whereas, to the end that such desirable objects may be effected, it is necessary that all the hereinafter mentioned Acts and Clauses of certain Acts, should be repealed, viz., an Act entitled "An Act for the governing of Negroes;" passed the eighth day of August, in the year of our Lord one thousand six hundred and eighty eight; also one other Act, entitled "An Act for the encouragement of all Negroes and Slaves, that shall discover any Con-

The following Acts and Clauses of Acts in Hall's edition of the Laws of the Island, repealed.

No. 82.

No. 91.

No. 92. spiracy," passed the twenty-seventh day of October, in the year of our Lord one thousand six hundred and nine-two; also, one other Act, entitled "An additional Act to an Act entitled an Act for the governing of
No. 93. Negroes;" passed the twenty-seventh day of October, one thousand six hundred and ninety-two; also one other Act entitled, "An Act for prohibiting the selling of Rum, or other strong liquors, to any Negro or other
No. 112. Slave," passed the said twenty-seventh day of October, one thousand six hundred and ninety-two; also one other Act, entitled "An Act for the Encouragement of such Negroes and other Slaves, that shall behave themselves courageously against the Enemy in time of Invasion," passed the thirtieth
No. 116. day of November, in the year of our Lord one thousand seven hundred and seven; also one other Act, entitled "An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling or
No. 117.—Clause 1st, 2d, 3rd, and 4th, the 2d and last proviso to the 19th clause, the 24th and 26th clause, the proviso to the 30th clause, and the 33rd clause. bartering," passed the sixth day of January, in the year of our Lord one thousand seven hundred and eight; also the first, second, third, and fourth clauses, the second and last proviso to the nineteenth clause, the twenty-fourth and twenty-sixth clauses, the proviso to the thirtieth clause, and the thirty-third clause of one other Act, entitled "An Act to secure the peaceable Possession of Negroes and other Slaves to the Inhabitants of this Island, and to prevent and punish the clandestine and illegal detinue of
No. 161. them," passed the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and nine; also one other Act, entitled "An Act for the Punishment of Runaway Slaves, and of Slaves who shall wilfully entertain, harbour, and conceal any Runaway Slaves," passed the eleventh
No. 164. day of November, in the year of our Lord one thousand seven hundred and thirty-one; also one other Act, entitled "An Act for the better governing of Negroes, and the more effectually preventing the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bar-
No. 180. Clause 1st, 2d, 3d, 4th, and 5th tering," passed the twenty-second day of May, in the year of our Lord one thousand seven hundred and thirty-three; also the first, second, third, fourth, and fifth clauses of one other Act, entitled "An Act for amending an Act of this Island, entitled 'an Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free;' as also for preventing certain Inconveniences from them arising to the Inhabitants of
No. 196. The following Acts, in Moore's edition of the laws in the island repealed. this Island," passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and thirty-nine; also one other Act, entitled "An Act for rendering more effectual, and for supplying many Defects in the several Laws of this Island, for the governing of Negroes," passed the ninth day of August, in the year of our Lord one thousand
No. 5. seven hundred and forty-nine; also one other Act, entitled "An Act to amend an Act, entitled an Act for the governing of Negroes," passed the fifteenth day of April, in the year of our Lord one thousand seven hun-
No. 37. dred and sixty-six; also one other Act, entitled "An Act to prevent distempered, maimed, and worn-out Negroes from infesting the Towns, Streets, and Highways of this Island," which passed the eighteenth day of January, in the year of our Lord one thousand seven hundred and eighty-five; also
Manuscript Acts of the following dates repealed. one other Act, entitled "An Act to remove Doubts concerning the Trial of Slaves manumitted after the Commission of Felonies of which they may
1809, March 14. stand accused," passed the fourteenth day of March, in the year of our Lord one thousand eight hundred and nine; also one other Act, entitled "An Act to repeal part of an Act, entitled an Act for the governing of
1817, Dec. 2. Negroes, and for building and regulating a new Cage," passed the second day of December, in the year of our Lord one thousand eight hundred and seventeen; also one other Act, entitled "An Act for the better Prevention of the Practice of Obeah," passed the twenty-ninth day of July, in the
1818 July 29. year of our Lord one thousand eight hundred and eighteen; and also one other Act, entitled "An Act to repeal and amend certain Acts made for the Government and Protection of Slaves," passed the twenty-ninth day of
1818, July 29. July, in the year of our Lord one thousand eight hundred and eighteen: and whereas it is necessary to make further and other provision for the better protection, order, and government of Slaves that justice may hereafter be more effectually administered:—

Clause 1.

Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the Most Honourable Military Order of the Bath, His Majesty's Captain General, and Governor-in-Chief of this island, Chancellor, Ordinary, and Vice-admiral of the same; the Honourable the members of his Majesty's council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all and every the hereinbefore mentioned Acts and Clauses of Acts, and every part thereof, as also all and every such Acts or Clauses of Acts as are or may be thereby repealed, shall be and stand annulled, repealed, and made void to all intents and purposes whatsoever, anything in the said Acts and Clauses of Acts, or in any other Act or Acts, contained to the contrary in anywise notwithstanding.

The foregoing Acts and Clauses, and all Acts and Clauses thereby repealed, to be and stand repealed

Clause 2.

And be it further enacted by the authority aforesaid, that the governor, or commander-in-chief of this island for the time being, the senior member of council, and the speaker of the House of Assembly, the chief baron of the Court of Exchequer, and the attorney general of this island, each, and all of them for the time being, or the persons executing the aforesaid offices for the time being, shall, and they are hereby directed and empowered to, form themselves into a committee of protection for the full and effectual securing to Slaves the rights and privileges afforded to them by the several provisions and clauses of this Act; and the said persons holding or executing the aforesaid offices are hereby constituted, and they shall be deemed and called, "The Committee of Protection for Slaves," and it shall and may be lawful for the said committee so constituted as aforesaid, to appoint, by a majority of votes, some person of legal knowledge and acquirement to fill the office of secretary to the said committee, and to perform such duties as shall be hereinafter prescribed; and the said secretary so appointed, shall be deemed and called "The Acting Protector of Slaves," and shall receive out of the public treasury a salary of four hundred pounds currency per annum, and the treasurer of the island for the time being, is hereby directed to pay to the said Acting Protector of Slaves, on his producing an order signed by the said "Committee of Protection," or the major part of them, at and according to the rate of four hundred pounds currency per annum as aforesaid, and the Acting Protector of Slaves so appointed, is hereby required and directed to furnish and assist with his aid and advice, to the utmost of his ability, without fee or reward, all Slaves who stand accused of any heinous offences or felonies on examinations before magistrates, or before the proper Courts where Slaves so offending are appointed to be tried by the provisions of this or any other Act of this island; and shall furnish without fee or reward his professional assistance to all Slaves claiming to be free, or desiring to lodge any complaint against any person where the owners or possessors of such Slaves shall detain them in slavery, or shall neglect or refuse to prefer such complaints. And the said Acting Protector shall in such cases appear in their behalf before the proper tribunals where such complaint or claim is directed to be lodged or tried by this or any other Act of the island. And the said Acting Protector of Slaves, either from information, or from his own knowledge of any cruelty or injustice practised against, or of the maiming or murder of any Slave or Slaves, shall lodge a complaint thereof before any magistrate, to the end that the necessary steps may be taken for the trial and conviction of the offender or offenders; and all judges of the several courts, and all justices of the peace and coroners of this island, are hereby directed to recognise the said Acting Protector of Slaves, as the legal adviser and advocate of Slaves in the several courts and offices of this island. And the said committee of protection shall, as often as they think fit, demand and receive from the Acting Protector of Slaves, an account of all his proceedings in the several cases in which he shall have been engaged in the exercise of his aforesaid office. And the said committee of protection shall and may at their discretion displace the said Secretary or Acting Protector of Slaves, and appoint in his stead some other fit and competent person to perform the duties of the said office. And the said Acting Protector of Slaves shall keep an office in some part of Bridge Town, and shall give his attendance there on such days, and during such hours as the

The governor, senior member of council, speaker of the assembly, chief baron of the exchequer, and attorney general, appointed a committee of protection for Slaves.

They are to appoint an acting protector of Slaves who is to be paid four hundred pounds per annum.

The duties of the acting protector of Slaves are here pointed out.

Committee of protection to require of the acting protector an account of his proceedings.

They may remove him and appoint another at discretion.

He is to keep an office in Bridge Town, and give his attendance

there as the committee of protection shall direct.

said committee of protection or the major part of them may think fit to direct. And the said Acting Protector of Slaves shall, before he enters on his office, appear before the governor, or commander-in-chief of this island for the time being, and take the following oath. "I A. B. do swear that I will faithfully and conscientiously, to the best of my knowledge and ability, execute and perform the duties of the Acting Protector of Slaves in the island of Barbadoes, without fear, favour, partiality, or affection. So help me God."

And to take an oath for the execution of his office before the governor.

Clause 3. The evidence of Slaves admitted in actions for trespass or assault, and in cases of misdemeanor, murder, felony, or other offence (except forgery) against any person whomsoever.

And be it further enacted by the authority aforesaid, that the evidence of Slaves shall be admitted and received on oath before any coroner, justice of the peace, or before any judge or jury, of any of the civil or criminal courts of this island, as witnesses in all cases where civil actions for trespass or assault may be brought, and in all cases of misdemeanour, or of murder, felony, or any other offence (save and except forgery) which under the laws now in force, or hereafter to be in force in this island, would subject any person or persons to suffer death, transportation, imprisonment, fine, or corporal punishment. Provided always, that the Slave or Slaves so appearing as a witness or witnesses shall produce before such judge, coroner, justice of the peace, or civil or criminal courts, a certificate of his, her, or their baptism, under the hand of the resident clergyman of the parish wherein such baptism has been performed. And also a certificate from any clergyman of the established church, that such Slave or Slaves, so produced as witness or witnesses, is and are so far instructed in the principles of the Christian religion, as, in the judgment of the party certifying, adequately to understand the obligation of an oath.

Proviso— Certificate of baptism to be produced, and also the certificate of a clergyman as to their religious principles and knowledge of the obligation of an oath.

Proviso— Owner or other person may be examined as to Slave witness being worthy of credit.

Provided always, that in every such case the master or owner of any such Slave or any other person or persons, shall and may be summoned and examined as to the character of any such Slave, in order the more satisfactorily to determine whether such Slave is worthy of credit or not.

Proviso— White or free persons not to be convicted on Slave testimony unless corroborated by circumstantial evidence.

And provided, and it is hereby expressly declared, that no white or free person shall be convicted of any of the crimes, or adjudged guilty of any of the offences aforesaid, on the testimony of any Slave or Slaves, unless such testimony shall be corroborated by circumstantial evidence to the satisfaction of the Justice, Coroner, or Court and Jury, before whom such Slave or Slaves shall be produced as witness or witnesses.

Proviso— Evidence of Slaves to be taken against each other without such certificates.

Provided always, nevertheless, that the evidence of Slaves shall be taken and received as hitherto without such certificates as aforesaid, in all cases against each other; and where any person or persons shall require the testimony of any Slave or Slaves before any Court, Judge, Coroner, or Justice, a writ of subpœna shall and may be issued in the usual manner by such Court, Judge, Coroner, or Justice, directed to the owner or possessor of such Slave or Slaves, or to the person under whose immediate charge such Slave or Slaves may be, requiring him or her to bring and produce, or cause to be brought and produced in Court, or before such Judge, Coroner or Justice, such Slave or Slaves at the time and for the purposes in the said writ mentioned.

Owners of Slaves to be duly summoned when required as witnesses.

Any person refusing to produce a Slave as a witness, to forfeit ten pounds, recoverable as servants' wages as for a contempt.

And if the person to whom such writ may be directed, shall, on proof of the same having been served on him or her by some white person, neglect or refuse to produce such Slave or Slaves, he or she shall forfeit the sum of ten pounds currency, to the uses of the island, to be levied and raised as in the case of servants' wages by warrant from the said Court, Judge, Coroner, or Justice; and the person so offending shall be also deemed guilty of a contempt of the authority of the said Court, Judge, Coroner, or Justice, and be liable to be punished for the same accordingly.

Clause 4. Evidence of Slaves to be taken against persons of free condition, who associate with them, although such Slaves may not be otherwise competent witnesses within the provisions of this Act.

And be it further enacted by the authority aforesaid, that where it shall be proved by legal evidence that any person or persons of free condition is or are in the habit of associating himself, herself, or themselves, with any Slave or Slaves, in cock-fighting, gambling, getting drunk together, or in the commission of any theft or other crime, the evidence of any Slave or Slaves shall in all such cases, and in all courts be taken and received against such person or persons of free condition, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act.

Clause 5. Owners of Slaves under a penalty of not less than twenty shillings, and not exceeding fifty shillings, to furnish them annually with decent and sufficient clothing suitable to sex, age, and condition.

And be it further enacted by the authority aforesaid, that every owner, proprietor, or possessor of any Slave or Slaves shall furnish and provide such Slave or Slaves in each and every year with decent and sufficient clothing, suitable to sex, age, and condition, according to the custom of the island. And if any owner, proprietor, or possessor, shall make default in furnishing such decent and sufficient clothing as aforesaid within each and every year, or in making full compensation for the same to such Slave or Slaves, or in allowing or affording the means to such Slave or Slaves of furnishing or providing himself, herself, or themselves, with such decent and sufficient clothing as aforesaid, every person so offending, shall, on full and satisfactory proof being thereof made to any justice of the peace, forfeit and pay a sum of not less than twenty shillings, and not exceeding fifty shillings for each and every Slave who shall not have been decently and sufficiently clothed within the year as aforesaid, or to whom no compensation for the same, or the means of obtaining such clothing shall have been afforded as aforesaid, one moiety of such forfeiture to be to the informer, and the other moiety to be paid into the public treasury.

Clause 6. Owners of diseased Slaves suffering them to go at large, or infest the highways, &c. to forfeit ten pounds, recoverable as servants' wages.

And be it further enacted by the authority aforesaid, that if the owner or owners, or any other person or persons having the lawful charge of any diseased, maimed, or worn-out Slave or Slaves, shall suffer or permit such Slave or Slaves to go and be at large, or to infest the public highways, towns, streets, lanes, or avenues leading to any of the towns of this island, every person so offending shall, for every such offence, upon conviction thereof before any justice of the peace, forfeit and pay the sum of ten pounds current money of this island, to be levied and raised as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury.

Clause 7. Owners of Slaves, or other persons, depriving them of their personal property, to forfeit double the value of such property to the use of said Slaves. The acting protector to prosecute where an owner is the offender; and in every other case where the owner shall neglect to prosecute.

And whereas by the custom of this island, Slaves are allowed to possess and enjoy personal property: be it therefore further enacted by the authority aforesaid, that if any owner or other person shall deprive any Slave of any kind of personal property, which he or she shall have honestly acquired, such person so offending shall, on conviction thereof before any justice of the peace, forfeit double the value of the property so taken away, to the use of said Slave. And the Acting Protector of Slaves is hereby directed to prosecute for the recovery of all such property where the owner or possessor of such Slave shall be the offender; and in every other case if the owner or possessor of such Slave shall neglect or refuse to prosecute for the same, such prosecution shall be conducted by the acting protector of Slaves on the behalf of such Slave. Provided always, that nothing in this clause contained shall extend to prevent any owner or overseer of any plantation or place from destroying or causing to be destroyed any hog, sheep, goat, or feathered stock, belonging to or kept by any Slave or Slaves, when found trespassing on the lands of such plantation or place, or committing any damage thereon.

Proviso— Hogs, sheep, &c. of Slaves trespassing on plantation of owner or others may be destroyed.

Clause 8. Any person may deprive a Slave of warlike weapons, unless furnished with a certificate.

And be it further enacted by the authority aforesaid, that if any Slave shall be found out of his or her owner's or proprietor's plantation or property, armed with any warlike or offensive weapon or weapons, such Slave shall and may be deprived of such weapon or weapons by any person whomsoever, unless he or she shall have a letter or paper descriptive of such weapon or weapons, and as being the property of his or her owner or proprietor; and the person so taking away such weapon or weapons, shall carry the same to any neighbouring justice of the peace, and on making oath, which oath the said justice is hereby authorized and empowered to administer, that such weapon or weapons was or were found in the actual possession of a Slave, be paid the sum of six shillings and three-pence currency, by the warden of the parish, in which the weapon or weapons was or were seized and taken away, on producing an order of the said justice to that effect. And if any person or persons shall within three weeks after claim the said weapon or weapons, and produce full and sufficient proof to the said warden of his or her property therein, and also repay to the said warden the said sum of six shillings and three-pence, the said warden shall, and he is hereby directed to restore such weapon or weapons to the owner or owners. But should no such claim, proof of

The weapons to be carried before a justice of the peace, upon whose certificate the warden shall pay six shillings and three-pence to the person seizing the same.

Weapons so seized to be restored to the owners, if claimed within three weeks, on repayment to the warden of the said six shillings and three-pence.

In default of a claim,

the weapons to be sold by the warden, and the money applied to the uses of the parish.

property, and repayment of the said sum of six shillings and three-pence be made within the said three weeks, then, and in such case, the said warden shall, and he is hereby directed to have such weapon or weapons sold, and to apply the money arising therefrom to the uses of the parish for which he is warden.

Clause 9. Slaves not to assemble on plantations and beat drums or blow horns, &c., except as hereafter provided; owner or other person permitting the same to forfeit ten pounds.

And be it further enacted by the authority aforesaid, that if any owner, proprietor, or overseer, or in his absence, any bookkeeper or other person having the care, direction, and management of any plantation or place without the limits of any of the towns in this island, shall suffer any Slaves to assemble together thereon, and to beat drums, or blow horns, or shells, or to use any loud instruments, save and except as is hereinafter provided, every such owner or proprietor, overseer, bookkeeper, or other person as aforesaid, shall, upon conviction thereof before any justice of the peace, forfeit and pay the sum of ten pounds currency, to be levied and raised as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be applied to the public uses of this island.

Proviso— Slaves with consent of owners may assemble on plantations for dancing and amusing themselves. Such amusements to be over by nine o'clock at night, and the Slaves not to be allowed to re-assemble.

Provided always, that nothing herein contained shall be construed to prevent any master, owner, or proprietor, or the attorney of any plantation or place, or the overseer thereof, from granting liberty at any time or times to the Slaves of such plantation or place for assembling together upon such plantation or place, and to allow any other Slaves not their own to assemble with them, and for dancing and diverting themselves in the mill yard, or any other place, as such master, owner, proprietor, attorney, or overseer, may think proper to allow, so as such amusements are put an end to by nine o'clock at night; the Slaves and other persons attending such dancing and amusements not to be permitted or allowed to re-assemble in the Negro houses, or in any other part of the plantation or property, or in any public or private road leading through or near to such plantation or property; the owner, proprietor, or overseer of such plantation or property to be actually present upon such plantation or property during the time such dancing or amusements are kept up, and for two full hours after the same shall be over.

Owner of the plantation to be present thereon during such amusements, and for two hours after.

No funeral of a Slave to take place after seven o'clock at night, and music and singing not to be permitted on such occasions.

And be it further enacted, that no owner, proprietor, or overseer, or other person in charge of any plantation or place, shall suffer or permit the funeral of any Slave within such plantation or place, after the hour of seven o'clock at night, or any heathenish or idolatrous music, singing, or ceremonies on any such occasion; and if any owner, proprietor, or overseer, or other person in charge of any plantation or place shall be guilty of any offence under this clause, or shall neglect or refuse to observe or enforce the particular directions, matters, and things herein contained, he or she shall, unless so far as the same may already be provided for, forfeit and pay the sum of ten pounds, to be levied and raised as in the case of servants' wages; one moiety whereof shall be to the use of the informer or informers, and the other moiety to be paid into the treasury of this island. Provided that all complaints under this clause be made within ten days after the commission of any offence against the provisions of the same.

Owner, or other person guilty of offences, &c. under this clause to forfeit ten pounds. Complaints to be made within ten days after the commission of the offence.

Clause 10. Owner of a house in either of the towns not to suffer Slaves to dance therein, without a justice's sanction, under a penalty of five pounds. Complaint to be made within ten days.

And be it further enacted by the authority aforesaid, that if the owner or occupier of any house, yard, or place, within the limits of either of the towns of this island, shall suffer any Slaves to assemble and dance in such house, yard, or place without having previously obtained the sanction of some justice of the peace for that purpose, the person so offending shall, provided complaint thereof be made to a justice of the peace within ten days next after the commission of the offence, forfeit and pay the sum of five pounds currency, to be recovered as in the case of servants' wages; one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury.

Clause 11. Governor may issue his order to owners of Slaves, not to permit them to assemble and dance for any given period.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor or Commander-in-Chief of this island for the time being, whenever he shall think fit or deem it advisable so to do, to issue his order or proclamation directing and requiring all owners or possessors of Slaves, and all other persons having Slaves under their charge, not to grant permission to, or suffer their Slaves, or the Slaves under their charge to assemble together and dance for and during the

time and period to be mentioned in said order or proclamation; and every person disobeying or violating such order or proclamation, shall forfeit and pay the sum of fifty pounds, current money of this island, half to the use of the informer, and the other half to the public use, to be recovered before any two justices of the peace, as in the case of servants' wages. Provided that complaint thereof be made within fourteen days after the offence shall be committed.

Penalty of fifty pounds imposed on any person violating such order. Complaint to be made within fourteen days.

And be it further enacted by the authority aforesaid, that the governor, or commander-in-chief of this island for the time being, shall and may, by and with the advice of his council, whenever it shall seem necessary, issue his order to the commanding officer of any regiment, battalion, or corps of militia of this island, directing and requiring him, at the time to be mentioned in such order, to have the Negro houses within the parish of such regiment, battalion, or corps, or any of them, searched diligently and effectually by the men composing such regiment, battalion, or corps, or by a sufficient number thereof necessary for such service, in order to discover and ascertain whether any fugitive or runaway Slaves, or any warlike or mischievous weapons or articles are concealed in such Negro houses, and his report thereof forthwith to make to the governor or commander-in-chief for the time being, who is hereby authorized and empowered to act on such report, by and with the advice of the council, as may seem best for the safety of the island; and every commanding officer of any regiment, battalion, or corps, refusing or neglecting to perform and discharge the duty so required of him by the governor or commander-in-chief, shall forfeit and pay the sum of fifty pounds currency, to be recovered before any two justices of the peace, and levied and raised as in the case of servants' wages.

Clause 12. The governor, with the advice of his council, may issue his order to the commanding officer of any regiment of militia, to have Negro houses searched for fugitive Slaves or warlike weapons.

Every commanding officer refusing to perform the duty so required of him to forfeit fifty pounds.

And be it further enacted by the authority aforesaid, that when any person or persons shall hereafter take up or apprehend any runaway or fugitive Slave or Slaves, he, she, and they, is and are hereby ordered and directed to take the said Slave or Slaves to a justice of the peace; and if such person or persons shall make oath before such justice, of his, her, or their name or names, and place or places of abode, with the time when, and place where he, she, or they apprehended such Slave or Slaves, and shall also, on oath, fully satisfy the said justice that there is good cause to suspect that the said Slave or Slaves is or are runaway, the said justice shall, and he is hereby directed to give a certificate of such oath, and also a warrant for committing such Slave or Slaves to the Slave prison, lately established on the pier head of Bridge Town, to the person or persons by whom he she or they was or were apprehended; and the person or persons so receiving such certificate and warrant shall thereupon take the same, together with such Slave or Slaves, to the provost marshal of this island, or his lawful deputy or deputies, who is and are hereby strictly charged and required, under a penalty of twenty pounds currency, to receive and keep such Slave or Slaves in safe custody in the said Slave prison; and the said provost marshal, or his lawful deputy shall, on receiving such Slave or Slaves, endorse the receipt thereof, on the back of the justice's certificate of the oath taken by the person or persons apprehending such Slave or Slaves; and the treasurer of this island for the time being shall, and he is hereby directed to pay out of the public treasury, to the person or persons so apprehending such Slave or Slaves, the sum of twelve shillings and sixpence currency for each and every Slave, if apprehended in the country, and six shillings and three-pence if apprehended in town, on the said justice's certificate of the oath aforesaid, endorsed by the said provost marshal, or his lawful deputy, in manner as aforesaid, being lodged with him, and which certificate the said treasurer is hereby required to take and enter in a book to be by him kept for that purpose, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended, and by whom, and whether wrongfully taken up or not; and in case the said treasurer shall neglect or refuse to pay either of the sums to which such person or persons shall be so entitled for taking up any Slave or Slaves as aforesaid, the same shall and may be recovered against the said treasurer, before any justice of the peace, as in the case of ser-

Clause 13. Persons apprehending runaway Slaves are to take them before a justice, who on being satisfied that they are runaway, is to give a warrant for committing them to the Slave prison.

Provost marshal, under a penalty of twenty pounds, to receive and keep such Slaves in custody in the Slave prison.

The treasurer of the island to pay twelve shillings and sixpence for each Slave apprehended in the country, and six shillings and threepence if apprehended in town, to the person so apprehending such Slave.

The provost marshal to furnish Slaves committed to the Slave prison wth sufficient food and drink, and not to receive any without a justice's warrant, under a penalty of five pounds.

vants' wages. And the said provost marshal, or his lawful deputy, shall furnish each and every Slave so committed to the said Slave prison with good and sufficient food and drink, to be proved on oath, if required, by the owner or possessor of such Slave; and the said provost marshal, his lawful deputy, or the keeper of the said Slave prison, shall not receive and lodge in the said Slave prison any Slave or Slaves without a warrant from a justice of the peace, under a penalty of five pounds currency for each and every Slave, to be recovered, levied, and raised as in the case of servants' wages, on the complaint of any person; one moiety thereof to the use of the public, and the other moiety to be to the use of the informer. Proviso— Remedies against provost marshal, for suffering Slaves to escape from his charge, or allowing them to be employed in any other manner than directed in the Act.

Provided always, that if the said provost marshal shall suffer any Slave committed to the said Slave prison or gaol to escape therefrom, he shall make such satisfaction to the owner, as by any two justices of the peace shall be thought fit, and shall repay to the said treasurer the said twelve shillings and sixpence or six shillings and three-pence, as the case may be, which he paid on apprehending such Slave; and if the said provost marshal shall suffer any Slave to be any ways employed out of the Slave prison or gaol, in any other manner than hereinafter directed, before he or she shall be legally released, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of five pounds currency, and the further sum of three shillings and nine-pence per day for each day, or any part of a day the said Slave shall be so employed, to be recovered as aforesaid. Proviso— Any person apprehending run-away Slaves, may carry them at once to their owners, and receive the reward.

Provided, nevertheless, that nothing herein contained shall be construed to prevent any person taking up or apprehending any runaway Slave or Slaves, from carrying him or her to his, her, or their owner or owners, and receiving the like sum from such owner or owners, as he would be entitled to receive from the public treasury, which, if not forthwith paid, shall and may be recovered from such owner or owners before any justice of the peace as in the case of servants' wages.

Clause 14. Male and female Slaves confined in the Slave prison, to be kept in separate apartments, and the number not to exceed eleven each.

And be it further enacted by the authority aforesaid, that the male and female Slaves confined in the Slave prison, be kept in confinement in separate apartments without any communication between them, and not more than eleven males and eleven females to be kept and confined at the same time in the said Slave prison. And if upon any male or female Slaves being brought to the said Slave prison for admission therein, it shall happen that the number of Slaves brought for admission, together with the Slaves then in confinement, exceed the number of male and female Slaves hereinbefore mentioned, then and in such case, those Slaves who have been the longest confined in the said Slave prison shall be delivered to the keeper of the common gaol there to be safely and securely kept, and the names and descriptions of all such Slaves so confined as aforesaid, either in the Slave prison or the goal, together with the names of their respective owners, if known, shall be advertised by the provost marshal, or his lawful deputy two successive times in two of the public newspapers of this island; and if such Slave or Slaves shall not be claimed by his, her, or their owner or owners, or his, her, or their lawful agent or agents, attorney or attornies, manager or managers, or other person or persons lawfully authorized to claim the said Slave or Slaves within three calendar months commencing from the day on which the said Slave or Slaves was or were delivered into the custody of the said provost marshal, and payment made of the expenses hereinafter mentioned, it shall and may be lawful to and for the provost marshal of this island for the time being, or his lawful deputy or deputies, and he and they is and are hereby fully authorized and empowered to have such Slave or Slaves appraised by any three or more competent freeholders, and to sell and dispose of such Slave or Slaves for the appraised value, or a greater sum if a purchaser can be obtained, giving due notice of the time and place of such sale in two of the said public newspapers of this island for two successive times immediately before such sale takes place; and the money arising from the sale of the said Slave or Slaves, after deducting all fees and expenses payable to the said provost marshal, shall be paid by the said provost marshal into the public treasury of this island, for the uses of the island; and in case the purchaser or purchasers

When such number shall be exceeded, those longest in confinement to be removed to the goal.

Names of Slaves confined and the names of owners (if known) to be advertised, and if not claimed within three months & all expenses paid, they are to be sold by the provost marshal.

Money arising from the sale thereof to be paid into the treasury.

of such Slave or Slaves shall not pay to the said provost marshal the sum or sums agreed to be given for such Slave or Slaves within ten days, or in case the said provost marshal, after receiving the same, shall refuse or omit to pay it over to the said treasurer within ten days after he shall have so received the same, and in either of such cases happening, the same proceedings shall be had against the said purchaser or purchasers by the said provost marshal, or against the said provost marshal, by the said treasurer as the case may be, for raising the said money with twenty per cent thereon, as are had and used at sales at outcry in the Courts of Common Pleas, and all necessary writs for that purpose shall be issued under the hand and seal of the chief judge for the time being of the precinct of Saint Michael. Provided always, nevertheless, that if at any time after the sale of such Slave or Slaves, it shall appear to the satisfaction of the governor and council, on application for that purpose, that the owner or owners of such Slave or Slaves so sold as aforesaid was or were absent from this island, or labouring under any legal disability so that he or she could not claim the said Slave or Slaves, then and in such case it shall and may be lawful to and for the said governor and council to issue their order to the treasurer of this island for the time being, to pay over to such owner or owners the net amount raised by the sale of his or her Slave or Slaves. Provided always, nevertheless, that if a tenant for life shall not claim such Slave or Slaves at or before the time of sale, and the person or persons entitled in remainder or reversion, or any person by him or her lawfully authorized, shall in his or her behalf put in a claim for the same, and pay all expenses which have been incurred at the Slave prison and goal, he or she shall be entitled to immediate possession in fee of such Slave or Slaves, and the tenant for life shall forfeit his or her estate in the same: Provided always, that until such Slave or Slaves can be sold for the appraised value, he, she or they shall be kept at work, together with the other Slaves in confinement in the manner hereinafter directed: Provided always, that in case any person committed to the said Slave prison or common gaol under the authority of this Act, as being a Slave, shall claim to be free, but shall not be able satisfactorily to prove the same, the said provost marshal of the island for the time being or his lawful deputy shall forthwith put advertisements in all and several of the newspapers of the island, describing the person so committed, and requiring all and every person and persons having knowledge of the person so committed, to appear before him the said provost marshal or his lawful deputy within three months then next after, to the end that it may be ascertained whether such person or persons is free or not, and which said advertisements shall be continued in the said several newspapers of the island for three months; and if at the expiration of the said three months, the said provost marshal or his lawful deputy shall not have received satisfactory information of the freedom of such persons, he is hereby authorized and required to certify the same to the Governor or Commander-in-Chief of this island for the time being, and the members of His Majesty's Council, who are hereby fully authorized and empowered to hear and determine upon the case so certified to them by the said provost marshal or his lawful deputy, and unless it shall be proved to the satisfaction of the Governor or Commander-in-Chief for the time being, and Council, that the person so claiming to be free is *bonâ fide* a Slave, they shall and are hereby authorized and empowered forthwith to set him or her at liberty, and such person is hereby declared to be, and to be held and taken as a free person: Provided nevertheless, that if it shall appear to the Governor or Commander-in-Chief for the time being, and Council, that such person claiming to be free is not a native of this island, they shall, if they think proper, order him or her to quit this colony within twenty-one days; and if he or she shall fail to comply with such order so given, it shall and may be lawful for any constable to apprehend the person so offending, and to commit him or her to the common gaol of this island, there to be confined until he or she shall be sent away from the island: And provided also, that nothing herein contained shall at any time operate as a bar to any person or persons who may afterwards establish by due course of law the

Remedies against purchasers not paying their purchase money to the provost marshal, and against the provost marshal after receiving not paying it into the treasury.

Proviso—
If the owner of a Slave thus sold was, at the time, absent from the island, &c., the governor and council may direct the treasurer to pay the net proceeds to such owner.

Proviso—
If a tenant for life do not claim Slaves before sale, and the remainder man puts in his claim the same to be delivered up to him.

Proviso—
Until Slaves are sold they shall be worked as directed in the Act.

Proviso—
If persons committed as Slaves claim to be free, but cannot prove it, the provost marshal shall advertise for proof.

And if at the end of three months he has not received satisfactory proofs of such person's freedom, he is to certify the same to the governor and council, who are to determine thereon, and unless it be proved that the person claiming to be free is *bonâ fide* a Slave, he or she is to be set at liberty as a free person.

Proviso—
If such person is not a native of the island, the governor and council may order him to quit the island in twenty-one days.

Proviso—
The rights of persons not to be affected.

Proviso—Provost marshal may take bond for the appearance of a person claiming to be free, instead of holding him in custody.

right of property to or in any person so declared free by the Governor or Commander-in-Chief for the time being, and Council: Provided always, that instead of such person so committed under the authority of this Act as a Slave but claiming to be free being held in custody, it shall and may be lawful to and for the said provost marshal or his lawful deputy, to take bail in two good and sufficient securities in the sum of fifty pounds current money to him and his successors in office for the uses of the public of this island, for the appearance of such person before the Governor or Commander-in-Chief and Council, when his or her case shall come on to be heard, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

Clause 15. The provost marshal to demand and receive the fees herein mentioned, before he delivers up any runaway Slave.

And be it further enacted by the authority aforesaid, that when any runaway Slave or Slaves shall be claimed to be released, either from the said Slave prison or from the gaol, it shall and may be lawful to and for the said provost marshal, or his lawful deputy or deputies, to demand and receive from the owner or owners of such Slave or Slaves the said twelve shillings and sixpence, or six shillings and threepence as the case may be, so paid as aforesaid by the said treasurer on the apprehending of any such runaway Slave or Slaves as aforesaid, and pay the same over to the said treasurer; and until the same be paid, it shall and may be lawful for the said provost marshal to detain and keep such Slave or Slaves in his possession as aforesaid. And the said provost marshal shall also demand and receive the following fees which must be paid before the said Slave or Slaves shall be delivered up, to wit, the sum of two shillings and sixpence for each Slave who shall have been so confined and delivered up, and sevenpence halfpenny for every twenty-four hours for feeding each Slave.

If the fees are not paid, he may sell the Slaves as if no claim had been made.

And in case the said fees shall not be paid, the said Slave or Slaves shall be sold in the same manner, and under the like restrictions as if no claim had been made: Provided always, and it is hereby further enacted, that

Proviso—The keeper of the Slave prison and goal, shall take receipt for all Slaves delivered up.

the keeper of the Slave prison, or the keeper of the gaol, if the Slave or Slaves shall have been removed to gaol, shall, and each of them is hereby strictly charged and required, before delivering up any Slave or Slaves who shall be claimed, to take a receipt from the person or persons claiming such Slave or Slaves, that he, she, or they, have either in his, her, or their own right, or in any other right, claimed and received such Slave or Slaves, and the said receipt shall also contain the name and full description of the person or persons claiming such Slave or Slaves, together with the place of his, her, or their residence, and also the name and description of the Slave or Slaves so claimed and delivered up, which receipts shall be taken and recorded in one or more proper book or books to be kept for that purpose respectively by the keeper of the Slave prison, and the keeper of the gaol, which books shall and may be inspected at any time in the day by any person or persons whomsoever, without any fee or reward being paid for the same.

Clause 16. The magistrates of the island to visit the Slave prisons, and to see that they are kept clean and healthy, and that sufficient food is allowed to the Slaves in confinement.

And be it further enacted by the authority aforesaid, and it is hereby expressly declared, that the magistrates of this island are the proper and legal inspectors, visitors, and supervisors of the said Slave prison, and other prisons allotted for the confinement of Slaves, and they, and each and every of them have and hath hereby full and ample power and authority given to and vested in them to visit and inspect the said Slave prison, and other prisons, whenever they shall think proper so to do; and the said magistrates are, and each and every of them is hereby required to see that the said Slave prison and other prisons be constantly kept clean, healthy, and wholesome, and that good and sufficient food be allowed to the said Slaves in confinement; and the said Slave prison shall be and the same is hereby placed under the immediate care and direction of the provost marshal of this island for the time being or his lawful deputy, who is hereby declared to be the keeper of the said Slave prison, and to be responsible for the good government and conduct of the same.

The provost marshal to be keeper of the Slave prison.

Clause 17, The keeper of the Slave prison for any offence, shall be punished by the order of two justices, as herein directed.

And be it further enacted by the authority aforesaid, that if the keeper or keepers of the said Slave prison hereinbefore mentioned, or any other prison or prisons allotted for the confinement of Slaves, or any of their deputies, shall be guilty of any crime, misdemeanour, or offence, or shall misbehave himself or themselves in their respective situations, he or they

shall and may be punished according to the nature of the said crime, misdemeanour, or offence, by fine and imprisonment, or either, at the discretion of any two justices of the peace; such imprisonment not to exceed one month, and such fine not to exceed five pounds current money.

Clause 18. When ten or more runaway Slaves be in confinement, they may, by order of the acting magistrates of Bridge Town, be worked on the treadmill or otherwise, as herein directed.

And be it further enacted by the authority aforesaid, that whenever there shall be ten or more runaway Slaves in confinement under the provision of this Act, in the said Slave prison and gaol, or either, for the space of ten days, the said provost marshal or his lawful deputy shall, under a penalty of five pounds current money, report the same to some one of the acting magistrates of Bridge Town, who, together with any two or more of the acting magistrates of the said town, shall have power to order and direct the said Slaves to be worked on the treadmill hereinafter directed to be provided, or to be worked in cleaning and repairing the streets of Bridge Town, and the public roads within one mile of said town, or on any public roads within the said town, or within the distance of one mile from it; and the said Slaves when so employed on such work, (excepting on the treadmill) shall be under the immediate care and inspection of some proper person or persons to be hired for that purpose by the said acting magistrates, and each person so employed, shall be paid out of the public treasury, the sum of sevenpence halfpenny per day for each Slave committed to his charge, and the person or persons so to be employed, shall be answerable for the security of the said Slaves. And in order to prevent their escape, it shall and may be lawful for him or them to make use of such proper means and powers as he or they, with the sanction of the said acting magistrates or any two of them, may think fit to adopt; and in case any Slave whilst so employed, shall escape, the person or persons so hired and in charge of them, shall repay to the said treasurer, the said twelve shillings and sixpence, or six shillings and threepence, as the case may be, by him paid on the apprehension of such Slave, to be levied and raised by the said treasurer on complaint to any justice of the peace, as in the case of servants' wages

Proper persons to be employed to superintend them.

Who are authorized, under the sanction of the magistrates, to use proper means to prevent their escape.

Remedies against the persons having charge of such Slaves and suffering them to escape.

Clause 19. The town-hall committee are authorized to have one or more treadmills erected within the gaol yard, and kept in repair at public expense.

And be it further enacted by the authority aforesaid, that the committee appointed by law, for directing the repairs of the town-hall, or a sufficient board of them shall, and they are hereby authorized and required to have constructed and erected at the public expense, one or more good and sufficient tread mill or mills, within such part of the gaol yard, attached to the said town-hall as to them shall seem most convenient for that purpose, and to see that the same is and are at all times kept in proper order and repair; and the said committee shall be, and they or any sufficient board of them, are hereby authorized and empowered to draw on the treasurer of this island for the time being, for all such sum and sums of money as may be required to meet the expenses of constructing and erecting the said mill or mills, and which may from time to time be required to keep the same in proper order and repair; and the said treasurer shall pay, and he is hereby directed to pay, all such sum and sums of money as may from time to time be drawn for by the said committee or a sufficient board of them, for the purposes aforesaid. And the said treadmill or mills, shall be under the direction and management of the provost marshal, or his lawful deputy for the time being, and shall be used as directed in the preceding clause of this said Act, and also as a mode of punishment for Slaves, for any offences committed under this or any other Act of this island, if so ordered by the court or justices, before whom such Slaves shall be tried and convicted.

The treadmills to be under the directions of the provost marshal, and used as a mode of punishment for Slaves.

Clause 20. Coroners holding inquests on the bodies of Slaves, to transmit copies of their proceedings to the governor within five days after, and to return original inquisition and proceedings to the crown office:

and if a Slave happen to die in prison, to transmit copies within the same time to the owner.

And be it further enacted by the authority aforesaid, that the several Coroners of this island shall, and they are hereby severally and respectively required and directed, whenever they hold inquests on the bodies of Slaves, to transmit copies of every such inquest and of all the evidence taken thereon, and of the proceedings thereof, to the governor or commander-in-chief of this island for the time being, within five days after the taking of every such inquest, and also within the same time, to return the original inquisition, evidence, and proceedings, to the crown office of the island, there to be kept and preserved as records; and where any such inquests shall be held on the body of any Slave who may happen to die in the said Slave prison, gaol, or other prison, the Coroner taking the same, shall also within the time above limited transmit copies of the same, and of all the

evidence taken thereon, and of the proceedings thereof to the owner or proprietor of said Slave, or to his or her representative, attorney, or overseer; and if any Coroner shall neglect or refuse to conform himself to the directions in this clause contained, he shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds current money, to be recovered before any justice of the peace, as in the case of servants' wages, one moiety to be to the use of the complainant, and the other moiety to be paid into the public treasury.

Penalty on any coroner neglecting his duty herein.

Clause 21.

And for the benefit and protection of the fair trader, and for the discouragement of persons hawking and peddling about the country, pay no trade tax, and also for the better prevention of the sale and barter of stolen goods, be it further enacted by the authority aforesaid, that if any owner, proprietor, attorney, overseer, or other person having the charge, management, or direction of any Slave or Slaves, shall suffer or permit any such Slave or Slaves to go and be at large for the purpose of supporting and feeding himself, herself, or themselves, or paying hire for himself, herself, or themselves, or to follow any trade, business, or occupation, for the benefit and advantage of such owner, proprietor, attorney, or overseer, or other person having the charge, management, or direction of such Slave or Slaves, or for the benefit and advantage of any other person or persons whomsoever, every person so offending, shall forfeit and pay the sum of five pounds current money of this island, for each and every such Slave, to be recovered before any justice of the peace as in case of servants' wages; one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury. And in every such case the *onus probandi*, whether any such Slave or Slaves do or do not go at large, contrary to the true intent and meaning of this clause, shall, where the same cannot be fully proved by the complainant, rest upon the party complained against, but who shall nevertheless be allowed to discharge and absolve himself or herself from the penalty aforesaid, by his or her own oath: Provided always, that nothing in this clause contained, shall extend or be construed to extend to any Slave or Slaves who shall be regularly settled in any house, shop, or place, in carrying on any kind of trade or business for the benefit of his, her, or their master or mistress, provided such Slave or Slaves be furnished with half yearly licenses for that purpose, by his, her, or their master or mistress.

Slaves not to go at large and pay hire, &c., under a penalty of five pounds upon the owner.

The *onus probandi* to be upon the owner, as to Slaves going at large, where the same cannot otherwise be proved.

Proviso—
All Slaves furnished with licenses half yearly by the owner, are allowed to carry on trade, &c.

Clause 22.

And be it further enacted by the authority aforesaid, that if any person shall, from and after the passing of this Act, employ any Slave or Slaves without first agreeing with the owner or other person having the charge, management, and direction of such Slave or Slaves, such person so offending shall, for every Slave so employed, forfeit and pay the sum of five pounds current money, to be recovered and applied in such manner as directed in the immediately preceding clause: Provided always, that nothing in this clause contained, shall extend, or be construed to extend to any person who may employ any Slave or Slaves regularly settled in trade or business, and furnished with licenses in the manner provided for in the immediately preceding clause of this Act.

Any person employing a Slave without agreeing with the owner to forfeit five pounds.

Proviso—
Not to extend to the employing of Slaves furnished with licences as herein provided for.

Clause 23.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any person or persons to seize and apprehend any Slave or Slaves in whose possession may be found any sugar canes, sugar, rum, cotton, ginger, aloes, or other staple and export production of the soil, plate wrought or melted down, iron, lead, copper, pewter, brass, tin, or any other article or thing likely to have been stolen, and take from such Slave or Slaves all such goods and articles, unless he, she, or they, be furnished with a ticket or note descriptive of the same, and within five days after to restore the same to the lawful owner or owners (if known), on being paid the sum of five shillings, current money, by such owner or owners, as and for the trouble of such person or persons in seizing and taking away the same; but if the owner or owners of any article or thing not of a perishable nature, which may be so seized and taken away, cannot be found or known within the said five days, then, and in such case, the person or persons so seizing and taking away the same, shall deliver the same over to the warden of the parish in which the same were so seized and taken away; and the said warden shall, and he is hereby directed at the expense

Any person may apprehend Slaves having in possession sugar canes, sugar, &c., or other articles likely to have been stolen, and take the same away, and within five days restore them to the owner (if known)

Where the owner of any article not of a perishable nature cannot be found within the limited time, the same shall be delivered to the warden of the parish, who is to advertise them three times.

of the parish, to cause advertisements to be published three times in the several newspapers of this island, fully describing such articles and things, and when and where seized, under a penalty of twenty pounds current money, to be recovered before any justice of the peace, as in the case of servants' wages, one moiety thereof to the informer, and the other moiety thereof to the party or parties aggrieved; and every Slave so found in the possession of any such articles or things without a ticket, or note, descriptive of the same as aforesaid, shall be whipped at the discretion of any justice of the peace, not exceeding thirty-nine stripes, unless he or she shall satisfy such justice that the articles or things were lawfully in his or her possession; and if at the end of one month after such articles or things shall be so advertised as aforesaid by the said warden, the same shall not be claimed by the rightful owner or owners, or being claimed by such owner or owners, and he, she, or they shall fail or refuse to pay the said sum of five shillings to the person or persons who seized the same, and the expense of such advertisements to the said warden, the said warden shall, and he is hereby authorized and empowered to sell and dispose of such articles and things for the uses of the parish: Provided always, that if any Slave liable to be seized and apprehended for having in his or her possession any article or thing contrary to the provisions of this Act, and such Slave shall be in charge of any waggon, cart, cattle, or horses, belonging to his or her owner, proprietor, or possessor, it shall not be lawful to seize and detain such Slave to the prejudice of such owner, proprietor, or possessor, but only to seize and detain the articles or things found in his or her possession, and to make report thereof to such owner, proprietor, or possessor within twenty-four hours after, to the end that all such Slaves may be brought to trial.

The Slave from whom any articles are taken away, shall be whipped at the discretion of the justice, unless he can shew that he was lawfully possessed of them.

If at the end of a month the articles are not claimed, &c., the warden shall sell them for the uses of the parish.

Proviso—
If a Slave liable to be be seized under this clause, be in charge of any waggon, &c., only the articles and not the Slave, shall be detained, and report made to the owner.

Clause 24.

And to the end that industrious and honest Slaves may be duly encouraged in the cultivation of cotton and aloes, and all legal difficulties to the sale or barter of the same removed, and that they may in every respect be entitled to the like protection in the cultivation and sale of those articles as at present secured by law to the white and free inhabitants of the island: Be it further enacted by the authority aforesaid, that where any Slave or Slaves shall plant cotton or aloes, to his, her, or their own use, the same shall be reaped under the immediate inspection of some white person living on the plantation or place to which such Slave or Slaves shall belong; and if there shall be no white person living on the plantation or place to which such Slave or Slaves shall belong, then the same shall be reaped under the inspection of some other fit and proper white person, and when reaped the same shall be inspected by some one or more of the cotton inspectors, in like manner as by law they are required to inspect the cotton and aloes of the white and free inhabitants of this island, and certificates thereof given so as to legalize the same being sold, bartered, or disposed of; the person or persons under whose inspection the same was reaped, making oath before the said cotton inspectors, or some or one of them, that the said cotton or aloes was actually and *bona fide* reaped under his, her, or their immediate inspection from the lands or gardens of such Slave or Slaves.

Where Slaves plant cotton or aloes for their own benefit, the same must be reaped under the inspection of a white person,

and inspected in like manner as the cotton and aloes of the white and free inhabitants.

Clause 25.

And be it further enacted by the authority aforesaid, that if any white free person or Slave shall purchase or receive any stolen goods from any Slave or Slaves, knowing the same to have been stolen, every such person shall, on conviction thereof, be adjudged as the actual thief or stealer thereof, and be punished accordingly by the court before which such white free person or Slave shall be tried: Provided always, that such conviction of any such person shall not absolve from punishment the Slave or Slaves, according to the provision of this Act, from whom such goods were purchased or received.

Any white or free person purchasing goods from a Slave, knowing the same to be stolen, shall be punished as the actual thief.

Proviso—
Such conviction not to absolve from punishment, the Slaves from whom the goods were purchased.

Clause 26.

And be it further enacted by the authority aforesaid, that where any stolen goods shall be found in the custody of any white or free person, and the person from whom the same were stolen, or any other person, cannot swear or depose against such person in whose custody such goods were found, as the actual thief or stealer thereof, or if it cannot be proved that the same were purchased or received from any Slave or Slaves, with the

A white or free person found in the possession of stolen goods, to be proceeded against as in England, and to be deemed an accessary to the felony after the fact.

knowledge of their being stolen, every such person shall be proceeded against as receivers of stolen goods knowing the same to be stolen are proceeded against in that part of Great Britain called England, and he or she shall be taken and deemed an accessary to such felony after the fact, and on conviction thereof before the Court of Grand Sessions, be adjudged the same punishment as an accessary to the felony after the fact committed: Provided always that it shall and may be lawful for the said Court of Grand Sessions, to order and direct such accessary to be prosecuted as for a misdemeanour before the principal shall be convicted, as to the said court, from the nature and circumstances of the case, shall seem proper, and if thereof convicted, shall be punished by fine and imprisonment, which shall exempt such offender from being punished as accessary to the felony, though the principal should thereof be afterwards convicted, any law, usage, or custom to the contrary in anywise notwithstanding; and if any Slave shall be found in the possession of any stolen goods under the circumstance aforesaid, such Slave shall, on conviction thereof before any justice of the peace, be whipped, not exceeding thirty-nine stripes.

Proviso—
But by order of the court may be prosecuted as for a misdemeanour, before the principal is convicted.

The offender being a Slave, to be whipped.

Clause 27.

And whereas great danger and impediment is daily caused to passengers in the streets and highways, from the riotous and tumultuous squabbles of Slaves, and from their careless and violent manner of riding and driving over the roads of this island: Be it therefore further enacted by the authority aforesaid, that if any Slave or Slaves shall be guilty of quarrelling, threatening, or fighting with one another, or of insolent language or gestures to or of any white person, or of swearing or uttering any obscene speeches, or of drunkenness, or making, selling, throwing, or firing squibs, serpents, or other fireworks, or of cock-fighting or gaming, or of riding upon a faster gait than a walk, or of driving a faster gait than a gentle trot, on any road of this island, or through any of the streets or lanes of the towns of this island, or of cruelly whipping, beating, or ill-using any horse, mare, gelding, mule, ass, or cattle, while under his, her, or their charge in the drawing of any waggon, cart, carriage, or chaise, or of negligently or improperly driving, or leaving without a driver any such waggon, cart, carriage, or chaise, or of any disorderly conduct, or misbehaviour in the squares, streets, lanes, paths, or highways of this island, every such Slave shall, upon conviction thereof before any justice of the peace, be whipped at the discretion of the said justice, according to the nature of the offence, not exceeding thirty-nine stripes, but the punishment of pregnant women in this and all other cases shall be committed for imprisonment; and it shall and may be lawful for any constable or other person, on any offence being committed in his presence by any Slave or Slaves, contrary to the provisions of this or any other Act of this island, to apprehend such Slave or Slaves without a warrant, and to take him, her, or them, before a justice of the peace, to be dealt with according to law.

Slaves guilty of quarrelling and fighting, or of insolent language to a white person, &c. or of fast riding or driving on the public roads, or cruelly using horses or other animals, or other misbehaviour, to be whipped.

Punishment of pregnant women to be by imprisonment.

Slaves committing offences in presence of constable or other person, may be apprehended without a warrant.

Clause 28.

And be it further enacted by the authority aforesaid, that if any person, knowing or having notice from any constable or otherwise, that any Slave hath been guilty of any offence against the provisions of the immediately preceding clause of this Act, and shall harbour, conceal, or convey away any such Slave, whether the Slave be or be not his or her own property, in order to screen such Slave from justice, or shall in any manner whatsoever obstruct the due execution of this Act, or of any part thereof, or abuse, ill-treat, or threaten any person or persons for pursuing, enforcing, and putting the same into execution, every person so offending, if of free condition, shall, for every such offence, forfeit and pay a sum not less than five pounds, and not exceeding twenty-five pounds current money of this island, unless where the same shall otherwise be provided for under this Act, to be recovered in a summary manner before any justice of the peace, as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be paid into the public treasury; and if the person so offending be a Slave, he or she shall be whipped at the discretion of any justice of the peace, not exceeding thirty-nine stripes.

A person of free condition concealing a Slave guilty of any offence, or obstructing the due execution of this Act, shall pay a fine of not less than five pounds, nor exceeding twenty-five.

And if a Slave, to be whipped.

Clause 29.

And be it further enacted by the authority aforesaid, that if any person shall knowingly suffer or permit any species of gambling to be carried on by Slaves within his or her plantation, property, or premises, such person shall

An owner of a plantation suffering gambling to be carried on by Slaves, to be fined

for the first offence, on conviction thereof at the Court of Grand Sessions, forfeit the sum of twenty-five pounds current money, and suffer one month's imprisonment in the common gaol of this island, and for each subsequent offence the like fine, and the imprisonment to be doubled: Provided that complaint thereof be made to a justice of the peace within one month after the happening of the offence.

and imprisoned, and for a second offence the punishment to be doubled.

Complaint to be made within a month.

Clause 30.

Constables are to prevent Slaves from gaming or assembling at dram shops, &c., and may take a guard to disperse them.

And be it further enacted by the authority aforesaid, that the several constables within this island are hereby strictly enjoined and required to use their best endeavours, at all times, to prevent Slaves from gaming, assembling at huckster's shops, tippling houses, or dram shops, or any unlawful meetings, and if necessary it shall and may be lawful for them to take to their aid and assistance a sufficient guard to disperse such Slaves, and in case of resistance to seize and secure such Slaves, and to take them before any justice of the peace, to be examined and dealt with according to law; and any two justices of the peace are hereby empowered to fine all constables neglecting to put the several clauses of this Act into force, in the sum of five pounds current money for every offence, or commit him to gaol not exceeding fourteen days.

Justices to punish constables for not putting this Act in force.

Clause 31.

Any person hiring land or a house to a Slave, without the owner's consent, to forfeit five pounds per month to the uses of the parish.

And be it further enacted by the authority aforesaid, that if any person shall let or hire to any person's Slave, or suffer any such Slave, at the instance or on the credit of any other person, to have the use or ordering of any land, house, room, or shed, except with the consent of the owner, proprietor, or other person having the lawful charge of such Slave, the person so offending shall pay to the churchwarden of the parish where the land, house, room, or shed may be situate, at the rate of five pounds current money per month for every such Slave, for so long a time as he or she shall have the use, ordering, or possession of any such land, house, room, or shed as aforesaid, to be recovered by such churchwarden before any justice of the peace, as in the case of servants' wages, and applied to the uses of such parish.

Clause 32.

A Slave who shall commit or be discovered in the attempt to commit theft or larceny, under the value of forty shillings, or shall steal or be discovered in the attempt to steal any canes, &c., or commit any offence as would, in the case of a white or free person, be petit larceny, he is to be whipped and imprisoned.

And be it further enacted by the authority aforesaid, that if any Slave shall commit any theft or larceny, or be discovered in the attempt to commit any theft or larceny under the value of forty shillings, or shall steal or be discovered in the attempt to steal any canes, trash, cane-tops, corn-stalks, pea-trees, cotton wood, fruit, goods, or chattels, on any ground provision whatsoever, whether the same be growing or not growing, under the value of forty shillings, or shall be guilty of any offence which by the laws of England, or the laws in force in this island, would, in the case of a white or free person, be deemed petit larceny, misdemeanour, or other inferior offence, for the trial of which no other provision has been made, every Slave so offending, and being brought to trial before two or more justices of the peace of this island, upon complaint of the party injured, or of any person in his or her behalf, and being convicted thereof, shall suffer such corporal punishment not exceeding thirty-nine stripes, and imprisonment not exceeding three months, or either, with or without hard labour, in the public service, as such justices shall think proper, due regard being always had to the circumstances of the case, and to the age, sex, state of health, condition, and character of the Slave to be so punished: Provided always, that the justices before whom any offender under this clause may be brought for trial, shall, in awarding punishment, be well satisfied that the offender was not driven to the deed from a want of food; and in case it should appear, on proper inquiry, that such offender was on that account urged to the commission of the offence, the justices shall, and they are hereby required to lessen the punishment in proportion to the excitement which led to the offence. And where, on the trial of any Slave for any such offence as aforesaid, it shall appear that the owner of such Slave cannot afford the necessary food for his or her subsistence, the acting protector of Slaves, shall, by the order of the said justices, take temporary possession of such Slave, and have him or her hired out, and his or her hire paid to such owner, until his or her circumstances shall be bettered, or he or she shall be able to dispose of such Slave or Slaves; but if it shall appear to the said justices, that the owner of any such Slave had ample means to furnish such Slave with food, and withheld the same,

Justices trying any offender under this clause must be satisfied that he was not driven to the deed from want of food.

Should it appear that an owner cannot afford necessary food to a Slave, the acting protector is to take temporary possession of the Slave, and hire him out until the owner's circumstances are bettered;

but if it appear that the owner had the means and withheld the same, the justices

shall indict him to the Grand Sessions, and on conviction he is to be punished by fine and imprisonment.

When the acting protector shall sell a Slave, the owner shall receive the purchase money, unless claimed by a creditor.

the justices before whom any such Slave shall be brought to trial, are hereby required to indict such owner to the Court of Grand Sessions, who upon conviction thereof, shall be fined at the discretion of the court, in any sum not exceeding one hundred pounds, or imprisoned for any time not exceeding six months; and the said acting protector, shall, by order of the said court, forthwith take such Slave into possession, and have him or her sold for the most money that can be obtained; and such sale, by the said acting protector, shall be, and it is hereby declared to be, good and valid, against all claims and demands whatsoever; and until such Slave shall be sold, he or she shall be hired out by the said acting protector, and the money arising by such sale or hire, after deducting thereout all necessary expenses, shall be paid over by the said acting protector to the owner of such Slave, unless any judgment, creditor, or creditors of such owner, shall in the mean time claim such money; in which case the same shall be paid to such creditor or creditors, according to his, her, or their legal priority: Provided always, that in case any such Slave shall be owned by any person, who is only tenant for life, instead of such Slave being sold as aforesaid, the tenant for life shall absolutely forfeit his or her estate in such Slave, and the person next in remainder or reversion, shall be entitled to the possession of such Slave, and may enter and take possession of such Slave; subject, nevertheless, in the hands of reversioner or remainder-man, to all liens and encumbrances, attaching on and affecting the life-estate of such offender.

Proviso.—The owner being only tenant for life in such Slave forfeits his estate; and remainder man to take possession.

Without prejudice to any liens thereon.

Clause 33.

Slaves guilty of treason or concerned in rebellion, or who shall make preparation of arms, &c., or wilfully commit murder, rape, forgery, felony, or robbery, or set fire to any house, &c., or enter and break into any house, &c., at night or in the day, with an intent to steal, or shall steal thereout goods above the value of forty shillings or imagine the death of any person, and declare it by some overt Act, or steal horned cattle, &c.,

And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall be guilty of treason, or shall enter into, or be concerned in, any rebellion or rebellious conspiracy, or shall plan, excite, raise, or in any way promote rebellion or insurrection, or make preparation, or be privy to the preparation of arms, powder, bullets, or offensive weapons, or hold any council or conspiracy, or be privy to the holding of any council or conspiracy, for the purpose of rebellion or insurrection within this island, or shall wilfully or maliciously commit any murder, rape, forgery, felony, or robbery, or shall wilfully set fire to any house, out-house, negro-house, canes, stacks of cane-trash, cane-tops, corn-stalks, pea-trees, cotton, wood, or piles of lumber, or shall enter and break into any house, out-house, negro-house, or other building, either at night or in the day time, whether any person be therein or not, with an intent to steal, or shall steal thereout any goods or chattels above the value of forty shillings currency, or shall compass or imagine the death of any person or persons whomsoever, and declare the same by some overt act, or shall steal any horned cattle, sheep, goat, horse, gelding, mare, mule, or ass, or shall steal any other live stock, or feathered stock, such live stock or feathered stock being above the value of forty shillings currency, such Slave or Slaves, shall for every such offence be indicted and tried at the Court of Grand Sessions of this island, in the like manner as white and free-coloured persons, and on conviction thereof be deemed guilty of felony, and suffer death without benefit of clergy; and where any Slave or Slaves shall commit any other crime not hereinbefore or hereinafter provided for, the commission of which crime within this island, by any white, free-coloured, or free-black person or persons, would subject such white, free-coloured, or free-black person or persons, to a prosecution for felony, either by the laws of this island, by the statute laws of Great Britain, in force in this island, or by the common law of Great Britain, such Slave so offending shall, on conviction thereof at the Court of Grand Sessions, suffer and be liable to the same punishments as white, free-coloured, or free-black persons, would be liable to suffer for the same offences, if convicted thereof, or such other milder punishment as the court in its discretion, and according to the nature of the case, shall think fit to inflict.

to be tried at the Grand Sessions in the like manner as white and free-coloured persons, and on conviction suffer death.

Slaves guilty of offences not provided for by this act, which would subject white or free persons to a prosecution for felony, to be punished in the manner that such persons would be, or in a milder manner as the court shall think fit.

Clause 34.

A Slave who shall wilfully cut, chop, injury, or administer poison to horned cattle, &c., is to be tried before two justices & sentenced to corporal

And be it further enacted by the authority aforesaid, that if any Slave shall wilfully, and in a wanton manner cut, chop, shoot at, or otherwise maim, lacerate, or injure, or administer poison to any horned cattle, horse, mare, mule, ass, sheep, goat, or hog, such Slave shall, for every such offence, be tried before any two justices of the peace, and the said

justices shall on conviction of such Slave, order and direct such corporal punishment, imprisonment and hard labour, or imprisonment without hard labour, either together or separately to be inflicted on him or her, as such justice shall think proper, such corporal punishment not exceeding thirty nine stripes, and such imprisonment not to exceed the term of six months; and in all cases where, from such treatment as above set forth, any horned cattle, horse, mare, mule, or ass, shall be killed, or shall die within ten days next after the offence committed, although the carcass, or any part of the flesh thereof may not be stolen, such Slave shall be tried for such killing or death at the Court of Grand Sessions, and on conviction thereof shall be deemed guilty of felony, and shall suffer death without benefit of clergy, transportation for life, imprisonment, and hard labour, or imprisonment without hard labour, as the court shall, on consideration of all the circumstances of the case, think proper.

punishment, imprisonment, and hard labour.

When from any such treatment any horned cattle &c. shall be killed or die, within ten days after, the offender shall be tried at the court of Grand Sessions and punished with death, transportation, &c., as the court shall think proper.

Clause 35.

And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be put upon his, her, or their trial, and shall receive sentence of death, or transportation for life, the jury at the time of trying such Slave or Slaves, shall also inquire upon their oaths, what sum or sums of money the owner, proprietor, or possessor of the said Slave ought to receive; provided that such sum or sums of money do not exceed the sum of one hundred pounds current money of this island, for each Slave so sentenced as aforesaid, and the court before whom such Slave or Slaves may be tried, shall make certificate thereof to the treasurer of this island, for the time being, therein requiring the said treasurer to pay (who is directed to pay) the value of said Slave or Slaves, to the owner or owners thereof; and where any such Slave or Slaves shall be owned by any person or persons, who is or are only tenant or tenants for life, the jury at the time of assessing the value of such Slave or Slaves, shall also settle and determine what part or parts of such sum or sums of money shall be paid to the tenant or tenants for life, and what part or parts thereof shall be paid to the person or persons next in remainder, or reversion of such Slave or Slaves, and which shall be binding on all parties interested in any such Slave or Slaves; subject, nevertheless, and without prejudice, to any claims which may be preferred to the said treasurer, by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority, out of the sum or sums of money at which such Slave or Slaves may be so valued as aforesaid.

When Slaves are sentenced to death or transportation for life their value to be ascertained by the jury, by whom they are tried, not exceeding one hundred pounds each, and paid to the owner from the public treasury.

If the owner be only tenant for life, the jury shall apportion the sum between him and the remainderman.

Creditors on such Slaves to receive the value.

Clause 36.

And be it further enacted by the authority aforesaid, that in case upon any accusation against any Slave or Slaves for murder, where malice prepense shall not be proved to the satisfaction of the jury, such jury shall be at liberty to find such Slave or Slaves guilty of manslaughter, if the nature of the case shall require it, and the Slave or Slaves so found guilty of manslaughter shall suffer such punishment as the court shall think proper to inflict, not extending to life or limb.

Slaves may be found guilty of manslaughter, and punished not extending to life or limb.

Clause 37.

And be it further enacted by the authority aforesaid, that if any white, free-colored, free-black person or Slave shall wilfully, maliciously, and unlawfully pretend to any magical and supernatural charm or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure or affect the life or health of any person whomsoever, or wilfully and maliciously shall use and carry on the wicked and unlawful practice of Obeah, and shall be thereof convicted at the Court of Grand Sessions, the offender shall suffer death without benefit of clergy, or transportation as the said court shall think proper.

Any white, free person, or Slave, unlawfully pretending to supernatural power, for the purposes of insurrection, or to affect the life of any person, or wilfully practising Obeah, to suffer death or transportation.

Clause 38.

And be it further enacted by the authority aforesaid, that if any white, free-coloured, free-black person or Slave wilfully and maliciously in the practice of Obeah, or otherwise shall mix or prepare, or have in his or her possession, any poison, or any noxious or destructive substance, or thing with an intent to administer to any person or persons whomsoever, or wilfully and maliciously, shall actually administer to, or cause to be administered to, or taken by any person whomsoever, any poison, or any noxious or destructive substance, or thing whatsoever, although death may not ensue, every such offender, together with his or her counsellors, aiders, or abettors knowing of, and being privy to such evil intentions and offences,

Any white, free person, or Slave, in the practice of Obeah, who shall prepare or have in possession poison or any destructive substance, with intent to administer or shall administer it to any person, with the aiders and abettors to suffer death, transportation, or other punishment.

shall, upon conviction thereof at the Court of Grand Sessions, suffer death without benefit of clergy, transportation, or such other punishment as the said court shall think proper.

Clause 39. Persons who pretend to power of divination and practice of fortune telling,

if Slaves, to be whipped, imprisoned, or worked in the public service;

if of free condition, to be fined not less than ten pounds, and not exceeding twenty-five pounds.

And be it further enacted by the authority aforesaid, that if any person or persons pretending to have the power of divination, shall in any manner, or by any means whatsoever, carry on or practice what is commonly called fortune telling, or shall pretend to possess the charm or power of discovering or leading to the discovery of any lost or stolen goods, articles, or things, and shall practice or attempt to practice the same in any manner, or by any means whatsoever, every person convicted thereof, before any justice of the peace, and being a Slave, shall be whipped, imprisoned, or worked in the public service, at the discretion of the said justice, such whipping not to exceed thirty-nine stripes, and such imprisonment or working in the public service not to exceed one month; and a white, free-coloured, or free black person, he or she shall forfeit and pay a sum of not less than ten pounds, and not exceeding twenty-five pounds currency, to be recovered as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be paid into the public treasury.

Clause 40. The wilful murder of a Slave by any person to be punished by death without benefit of clergy:

but not to extend to the corrupting the blood, or forfeiture of lands, &c.

And be it further enacted by the authority aforesaid, that if any person shall wilfully and maliciously kill and murder, or cause to be killed and murdered any Slave, whether such Slave be the property of the person so killing and murdering, or causing the killing or murdering, or of any other person or persons, such person so offending, shall, on conviction thereof at the Court of Grand Sessions, by the testimony of any one or more credible witness or witnesses, be adjudged guilty of felony, and shall suffer death without benefit of clergy: Provided always, that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands, tenements, Slaves, goods, or chattels, any law, custom, or usage, to the contrary notwithstanding.

Clause 41. A person who kills by accident the Slave of another, shall only pay the value. If a Slave be killed whilst committing theft, or breaking at night into any house, &c., or setting fire at night or in the day to any house, &c., the person so killing, shall not be punished criminally or otherwise.

And be it further enacted by the authority aforesaid, that if any person shall unfortunately kill or maim by accident the Slave of another, such person shall only be liable to an action at law by the owner of such Slave, for the value of the Slave so killed or maimed; but if any Slave shall be killed whilst in the act of committing or attempting to commit any robbery or theft, or in the act of breaking at night into any house, outhouse, or negro-house, or in the act of setting fire, either at night or in the day-time, to any house, outhouse, negro-house, canes, stacks of cane-trash, cane-tops, corn stalks, pea-trees, or cotton-wood, or stacks of dry fuel, or piles of lumber, or whilst maliciously setting fire to any property of any value, the person or persons killing any such Slave, shall not be punished for the same, either criminally or otherwise, any law, usage, or custom, to the contrary notwithstanding.

Clause 42. Slave wilfully striking a white person, for the first offence, to suffer imprisonment, with or without labour, and corporal punishment. For a repetition of the offence, to be transported for life or imprisoned with or without hard labour.

Proviso— That the striking be not in defence of the owner's person or property.

And be it further enacted by the authority aforesaid, that if any Slave shall wilfully strike or assault any white person, such Slave shall for the first offence, on conviction thereof, before any two justices of the peace, suffer imprisonment with or without hard labour in the public service, not exceeding six months, and corporal punishment not exceeding thirty-nine stripes; and for a repetition of the like offence, be tried at the Court of Grand Sessions, and be punished with transportation for life, imprisonment, and hard labour in the public service, or imprisonment without such hard labour, according to the nature of the offence, and the circumstances of the case as the court shall in its discretion think proper to inflict. Provided that such striking or assault be not in the necessary defence and protection of his or her owner's person or property.

Clause 43. A Slave who strikes his master or mistress, to be punished with death or transportation.

And be it further enacted by the authority aforesaid, that if any Slave shall strike his or her master or mistress, such Slave shall, upon conviction thereof before the Court of Grand Sessions, suffer death without benefit of clergy, transportation, solitary confinement, or such corporal punishment as the nature of the offence may deserve, and as the court in its discretion shall think proper to inflict.

Clause 44.

Whereas it is highly expedient to restrain owners and other persons having the government and direction of Slaves from discriminately, wantonly, or cruelly exercising the power they possess over their Slaves: and whereas

the cruelty of punishment by flogging necessarily depends much more upon the manner of inflicting it, than upon the number of stripes, it is therefore deemed most conducive to the ends of humanity, to trust to the discretion and good feelings of the justices before whom complaints of such offences shall be made: Be it therefore further enacted by the authority aforesaid, that if any person shall commit any wanton act or acts of cruelty towards any Slave or Slaves, or if the same shall be committed by his or her direction or order, or with his or her knowledge, privity, or consent, or shall wantonly, maliciously, and cruelly whip, beat, or bruise any Slave or Slaves, or keep in confinement without sufficient food and support any Slave or Slaves, or shall suffer, permit, cause, or procure the same to be done, whether such Slave or Slaves may or may not belong to him or her, such person or persons shall and may be summoned before any two justices of the peace to answer for the offence, and such justices are hereby ordered and empowered on conviction thereof, to impose a penalty on the person so offending of not less than twenty-five pounds, and not exceeding one hundred pounds currency, according to the nature of the offence; and it shall and may be lawful for any justice of the peace, and he is hereby authorized and required upon complaint or information of any offence aforesaid, being made or given to him by any person whomsoever, whether such person be a white free coloured, or free black person, or a Slave, to summon the offender or offenders, and such Slave or Slaves so alleged to have been cruelly punished, and all such witnesses as may be material to prove the said offence, and to take down the examination of such offender or offenders in writing, and also the state, appearance, marks, and condition of the Slave or Slaves, and all other circumstances that may be necessary to prove the fact, and to join to him some other justice of the peace, and to examine into the alleged offence, which if proved to their satisfaction, they shall set a fine on the offender or offenders, not less than twenty-five pounds currency, and not more than one hundred pounds currency each, for every Slave so cruelly punished as aforesaid, whether such Slave or Slaves may or may not belong to such offender or offenders; but if such offence cannot be fully proved, and the Slave or Slaves so alleged to have been cruelly punished shall be produced before the said justices, and if the marks or traces of recent and cruel flogging, laceration, or punishment shall appear on the person or persons of such Slave or Slaves, and if such Slave or Slaves shall, before the said justices, declare such marks or traces to be the consequence of such cruel and unlawful punishment or correction, and being duly examined by the said justices, shall make a particular, consistent, and probable statement of all the circumstances attendant on such cruel and unlawful punishment, then and in every such case, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act, yet the party or parties accused, shall thereupon be considered guilty of the offence, and be convicted in any sum not exceeding and not less than the penalty aforesaid, unless such party or parties shall by his, her, or their oath or oaths, or by the oath or oaths of some credible witness or witnesses, prove that the punishment of which the marks or traces may be apparent, was not inflicted by him, her, or them, or by his, her, or their procurement, or with his, her, or their knowledge or consent: Provided always, that if any Slave or Slaves shall make complaint of any such offence as aforesaid, and upon the hearing thereof before the said justices, the same shall appear to them to be frivolous, vexatious, or unfounded, the said justices are hereby directed and required to order every such Slave to be whipped, not exceeding thirty-nine stripes, and imprisoned with or without labour in the public service for any time not exceeding three months.

A person who wantonly commits cruelty towards a Slave by whipping, bruising or beating, &c., shall be fined by any two justices not less than twenty five pounds and not exceeding one hundred pounds.

A justice on information of any offence, to summon the offender and the Slave alleged to have been so cruelly punished, and to take examinations and the state and appearance of the Slave and to join to him some other justice to hear the complaint.

If the offence be not fully proved, but the marks of recent cruel flogging appear on the person of the Slave, declare the same to be the consequence of such punishment, the accused to be considered guilty;

although such Slave may not be a competent witness otherwise, unless the accused by his own oath or that of some credible witness shall disprove the charge.

Slaves making frivolous, vexatious, or unfounded complaints, to be punished by order of the justices.

Clause 45.

And be it further enacted, by the authority aforesaid, that if any white or free person shall maim, mutilate, or dismember, or cause to be maimed, mutilated, or dismembered any Slave or Slaves, whether such Slave or Slaves may or may not belong to him or her, he or she shall, for every such offence, be prosecuted at the Court of Grand Sessions, and upon conviction thereof shall be punished by fine, to be paid into the public treasury of the island, and imprisonment, or either, as the court shall think fit; such fine not to be less than one hundred pounds currency, and such imprisonment

Any white or free person maiming or dismembering a Slave, to be punished at the Grand Sessions with fine, not less than one hundred pounds, and imprisonment not less than six months.

not to be less than six months for each and every Slave so maimed, mutilated, or dismembered, and the said court shall award the yearly interest or a proportion of the interest of the said fine, to be paid to the said Slave for life by the treasurer of this island; and it shall and may be lawful for the judge and justices of the said Court of Grand Sessions, and they are hereby required, to order and adjudge such Slave or Slaves if maimed, mutilated, or dismembered by his, her, or their owner, or by the direction of such owner, to be delivered to and taken possession of by the acting protector of Slaves for the time being, to be by him forthwith sold and disposed of to some person of good and humane repute, for the best price that can be obtained for the same, and the money arising by such sale to be paid over into the public treasury for the uses of the public; but if there be any debt or debts affecting the said Slave or Slaves, then and in such case the money shall be paid to the creditor or creditors of his, her, or their owner in due priority. And it is hereby further enacted, that such sale from the said acting protector shall be held and deemed competent and sufficient in law to vest the absolute property in, and to give a good title to the purchaser or purchasers of such Slave or Slaves. Provided always, that if any owner or proprietor guilty of any of the offences in this clause mentioned, shall be only tenant for life, in such case the estate for life shall be forfeited, and the person next in remainder or reversion shall forthwith be entitled to the possession of such Slave or Slaves, and may enter and take possession of him, her, or them, accordingly, subject nevertheless, in the hands of such reversioner or remainder-man, to all liens and encumbrances attaching on and affecting the life-estate of such offender; and for a second offence being committed by any person on his or her other Slave or Slaves, he or she shall forfeit the possession of the whole of his or her property in lands and Slaves, and the same shall become vested in certain trustees, to be appointed by the governor or commander-in-chief of this island for the time being, and council, to be thereafter, by the said trustees, conducted for the benefit of such owner or proprietor, and his or her creditors, and all others interested therein; but if such offender shall be tenant in fee simple, and he or she shall so desire it, such property in lands and Slaves shall and may, by an order of the governor or commander-in-chief of the island for the time being, and council, be sold by the acting protector of Slaves, and the money to arise by such sale shall be paid to the creditors, if any, of such owner, and if there be no such creditors, then to the owner, for his or her use or uses; but if such offender shall be only tenant for life, in such case the property shall be vested in trustees as aforesaid during the life of such tenant, and the person so offending shall, for such second offence, be rendered incapable of holding the possession of, or having any control, management, or direction whatsoever over Slaves: and be it further enacted, that the said acting protector of Slaves shall have and receive, and be allowed to deduct a commission of fifty shillings by and out of every one hundred pounds which, under the provisions of this Act, shall be raised by him in the sale of any Slaves or other property, as and for his trouble in selling the same.

The court shall award the yearly interest of the fine, or proportion of it, to be paid to the Slave for life.

A Slave maimed by the owner to be taken into possession by the acting protector, and sold to a person of humane repute, and the money paid into the treasury.

Where there are creditors it shall be paid to them.

Proviso—

Where an owner is only tenant for life, the remainder-man may take possession, subject to all encumbrances.

An owner committing a second offence on his other Slaves, shall forfeit the possession of the whole of his property in lands and Slaves, and the same shall be vested in trustees and conducted for his benefit and others interested, or sold by the acting protector.

If the offender be only tenant for life, the property to be vested in trustees during life.

The offenders to be incapable of holding or having any control over Slaves.

The acting protector to be allowed a commission for selling the property.

Clause 46.

And be it further enacted by the authority aforesaid, that all punishments by whipping prescribed by this Act, as also all private punishments by or under the orders of the owners or proprietors of Slaves, or other persons lawfully authorized thereto, shall be inflicted with the like instrument, and in the like manner now in the use and practice in his Majesty's army or navy, and in no other manner whatever, except in private punishments, where a milder instrument may be preferred and used; and where the punishment of female Slaves by whipping shall be necessary, the same shall be inflicted in private, and in a decent manner, without any unnecessary exposure of the body of any such female Slave; and where any female Slave shall be in a state of pregnancy, she shall not, on any pretence whatsoever, be punished in any other way than by confinement; and if any person shall offend against the provisions of this clause, every such person shall for every such offence forfeit and pay the sum of ten pounds current money of this island, to be recovered before any justice of the peace, as in the case of servants' wages.

Slaves to be whipped with the like instruments and in like manner as practised in his Majesty's army and navy, except where a milder instrument may be preferred.

Female Slaves to be punished in a private and decent manner, and when pregnant, only to be confined, and not whipped.

Persons offending against the provisions of this Act to forfeit ten pounds.

Clause 47.

Any person fixing a collar, chains, or irons on a Slave, to be bound to the Grand Sessions, & punished by fine and imprisonment.

And be it further enacted by the authority aforesaid, that if any person on any pretence whatsoever, shall fix, or cause to be fixed, any metal collar round the neck of any Slave, whether such Slave be his or her own property or otherwise, or shall fix, or place, or cause to be fixed or placed, any chains, weights, or irons, of any kind, shape, or form whatsoever on the body or limbs of any Slave, such person shall be prosecuted at the Court of Grand Sessions, and punished by fine and imprisonment at the discretion of the court. Provided always, that nothing in this clause contained shall prevent owners of Slaves from confining refractory and disorderly Slaves, or such as are addicted to run away in iron or wooden stocks, or secure places of confinement, or by other means of security, so that such Slaves are thereby confined without bodily hurt, and all and every the justices of the peace of this island are hereby authorized, directed, and empowered, on information of such offence, and view of such Slaves, to order such collar, chains, weights, or irons, to be immediately taken off, from the Slave or Slaves bearing the same. Provided also, and to the end that runaway or refractory Slaves may be fully punished, be it further enacted, that if the owner, proprietor, or possessor of any runaway or refractory Slave or Slaves shall make it appear to the satisfaction of any justice of the peace upon his or her own oath, or the oath of any credible witness or witnesses, that such the improper conduct of such Slave or Slaves was not occasioned for the want of food or clothing, or from cruel treatment, it shall and may be lawful for such justice by his warrant to commit such Slave or Slaves to the said Slave prison, or the gaol, there to be confined with or without labour on the treadmill or otherwise, for any time not exceeding six months, and such Slave or Slaves during such time shall be fed at the public expense. Provided always that no maimed, diseased, or unserviceable Slave, shall, under the authority of this clause, be committed to the said Slave prison or gaol.

Owners of refractory or runaway Slaves shall confine them in stocks.

Justices are empowered to order collars, chains, or irons to be taken off from Slaves.

Proviso—

Where the owner of refractory or runaway Slaves can satisfy a justice that the improper conduct of Slaves was not occasioned for want of food, or by cruel treatment, he may issue a warrant for committing such Slaves to the Slave prison, to be confined therein and worked, not exceeding six months.

Proviso—

Diseased or unserviceable Slaves not to be confined.

Clause 48.

A Slave who shall discover and give information of any intended insurrection, or the concealment of gunpowder or warlike instruments, for the purpose of rebellion, and the accused shall be convicted thereof, the value of such Slave so informing, not exceeding two hundred pounds, shall be paid the owner.

And be it further enacted by the authority aforesaid, that if any Slave shall discover and give information of any evil designs or plots of any other Slave or Slaves, or of any free person or persons of any description whatsoever, for the beginning, encouraging, or keeping up of any insurrection, rebellion, or of the possession or concealment by any Slave or Slaves, of any gunpowder or mischievous or warlike instruments, for the purpose of insurrection or rebellion, whereby the accused shall be thereof legally convicted, every such Slave so causing such conviction as aforesaid, shall be appraised at his or her full value, not exceeding two hundred pounds current money, by the jury before whom the accused may be tried, and the court shall make certificate thereof to the treasurer of this island for the time being, requiring him to pay, and he is hereby directed to pay, the value of such Slave to the owner thereof. And be it further enacted, that such Slave so making such discovery, and giving such information as aforesaid, shall, on full conviction of the accused as aforesaid, be declared free, and shall accordingly from thenceforth be absolutely free to all intents and purposes whatsoever, and shall at the public expense be sent wherever his or her wishes may point out, and be paid the annual sum of ten pounds current money, from the public treasury; but should such Slave prefer remaining in his or her owner's possession to being freed, such Slave shall in that case annually and every year be paid the sum of twenty-five pounds current money from the public treasury during his or her natural life.

The Slave to be freed and sent at the public expense to any place he may desire, and be paid ten pounds per annum;

but if the Slave prefer remaining in the owner's possession to being set free, he shall be allowed twenty-five pounds per annum.

Clause 49.

A white or free person who shall sell or give to a Slave gunpowder or weapons, or any poison or destructive drug, shall be fined by a justice not exceeding fifty pounds.

If the offence cannot be fully proved, and the Slave to whom the same were sold or given shall make a consistent statement of all the cir-

And be it further enacted by the authority aforesaid, that if any white, free black, or free coloured person shall sell, barter, or give to any Slave or Slaves, any gunpowder, warlike or mischievous weapon or weapons, or any poison, noxious or destructive drug, substance, or thing, and the same shall be established to the satisfaction of any two justices of the peace, the said justices are hereby authorized and empowered to set a fine upon the person so offending in any sum not exceeding the sum of fifty pounds, current money of this island; but if such offence cannot be fully proved, and the Slave or Slaves to whom any such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance, or thing, was or were alleged to have been sold, bartered, or given by any such person shall be produced before the said justices, and shall make a parti-

cumstances of the sale or gift, although the Slave be not otherwise a competent witness, yet the accused shall be considered guilty unless he shall, by his own oath or that of some credible person, disprove the charge.

cular, consistent, and probable statement of all the circumstances of such sale, barter, or gift, then, and in every such case, although such Slave or Slaves may not be a competent witness or witnesses, within the provisions of this Act, yet the party accused shall thereupon be considered guilty of the offence, and be convicted in a penalty not exceeding the sum of fifty pounds as aforesaid, unless such party shall, by his or her own oath, or the oath or oaths of some credible witness or witnesses, prove that he or she did not sell, barter, or give to such Slave or Slaves, any such gunpowder, warlike, or mischievous weapon or weapons, or any such poison, noxious, or destructive drug, substance or thing as aforesaid. And be it further enacted, that if on the trial of any offender under the provisions of this clause it shall appear to the said justice upon clear and positive testimony that such offender knew that such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance or thing so by him or her sold, bartered, or given to any Slave or Slaves, was or were for any mischievous and illegal purpose or purposes, the said justices shall, and they are hereby empowered and directed forthwith to commit such offender to the common gaol of this island, there to remain without bail or mainprize until such offender can be tried at the Court of Grand Sessions, who on conviction thereof at the said Court of Grand Sessions, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy, or transportation for life, as the court in its discretion shall think fit to inflict.

If it shall appear to the justices that the accused knew that the articles were for illegal purposes, they may commit him or her to gaol, to remain and be tried at the Grand Sessions, who, upon conviction shall suffer death or transportation for life.

Clause 50.

A Slave who in time of invasion behaves courageously, and shall kill one or more of the enemy or rebels, shall be rewarded as the legislative may think fit.

And be it further enacted by the authority aforesaid, that every Slave who in the time of invasion by any foreign foe or enemy, or other attempt to be made on this island, or in case of rebellion and insurrection shall engage and courageously behave in battle, or who shall by any means kill or destroy one or more of the enemy or rebels, shall, upon the report thereof, supported by the oath of any two credible white persons before the commander-in-chief of this island for the time being, be rewarded at the public expense, in such manner as the legislature may think fit to direct.

The legislature may reward such Slave with freedom, and pay his value to the owner.

And should the legislature conceive that such Slave should be rewarded with freedom, it shall and may be lawful for them to declare such Slave free, and have the value of such Slave ascertained and paid to the owner thereof from the public treasury, not exceeding the sum of one hundred pounds current money.

Clause 51.

If a Slave engaged in battle, in opposing any insurrection be killed, the owner shall be paid his value not to exceed one hundred pounds.

And be it further enacted by the authority aforesaid, that if any Slave engaged in battle in opposing any invasion or insurrection as aforesaid shall be killed, the value of such Slave, not exceeding the sum of one hundred pounds current money, to be set and ascertained before any justice of the peace by the oaths of two credible witnesses, shall be paid to the owner of such Slave out of the public treasury, by certificate from under the hand of the commander-in-chief of this island for the time being.

Clause 52.

In cases not already provided for, where owners of Slaves, paid for by the public, are only tenants for life, the authority determining the question of payment, to apportion the sum between the tenants for life and remaindermen.

Provided always, and be it further enacted by the authority aforesaid, that in all cases not already provided for, where any Slave or Slaves shall be paid for out of the public treasury, under any of the provisions of this Act, and such Slave or Slaves shall be owned and possessed by any person or persons, who is or are only tenant or tenants for life, the authority determining the question which may lead to such Slave or Slaves being so paid for as aforesaid, shall at the same time settle and determine what part or parts of the sum or sums of money so to be paid for such Slave or Slaves, shall be paid to such tenant or tenants for life, and what part or parts shall be paid to the person or persons next in remainder or reversion of such Slave or Slaves, and which shall be binding upon all parties interested in any such Slave or Slaves. Subject nevertheless, and without prejudice to any claims which may be preferred to the said treasurer by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority out of the sum or sums of money at which such Slave or Slaves may be so valued agreeably to the directions of this Act.

The right of creditors not to be thereby prejudiced.

Clause 53.

Any person tempting a Slave to leave his

And be it further enacted by the authority aforesaid, that if any person shall directly or indirectly tempt or persuade any Slave or Slaves to leave

his, her, or their, owner's or proprietor's service, or conceal him, her, or them, or shall entertain, harbour, secrete, or employ any Slave or Slaves, who may be absent or run away from such service, such person so offending shall for every such offence upon conviction thereof, by his or her own confession, or the oath of any one or more credible witness or witnesses, before any two justices of the peace, be adjudged to pay and shall pay to the owner or proprietor of such Slave or Slaves, the sum of ten pounds current money, for each and every such Slave, and the further sum of ten shillings, like current money, for every day, or any part of a day, which the offender shall be proved or adjudged to have unlawfully detained any such Slave, contrary to the provisions of this Act; and in case any complainant, under this clause, cannot fully support his or her complaint, it shall and may be lawful to and for the said justices, and they are hereby authorized and empowered to examine the party complained against, upon his or her oath, touching the matter of such complaint, and which examination shall be held, taken, and considered as good evidence for the purposes aforesaid. But if any offender legally summoned, and return thereof made to the said justice, upon the oath of the constable, (except in case of extraordinary sickness, so as to disable him or her,) shall neglect or refuse to appear, or appearing shall refuse to be sworn and examined in manner as aforesaid, the complaint shall be taken *pro confesso*, and the said justice shall give judgment thereon accordingly, as if the same had been otherwise fully proved. And the said justices before whom any such offender shall be tried, are hereby strictly enjoined to command and direct him or her to deliver and restore to the complainant, and into his or her safe possession, each and every such Slave or Slaves, and in default or refusal thereof the said justices shall further adjudge such offender to forfeit and pay the sum of two hundred pounds, current money of this island, as and for the value of each and every Slave so detained: Provided nevertheless, that if any Slave or Slaves so entertained, harboured, secreted, or employed, contrary to the provision of this Act, shall happen to die a natural death, at any time before the day of complaint, or between that day and the time of giving judgment as aforesaid, and the same be duly proved to the satisfaction of the said justices, by the oath of any one or more credible witness or witnesses, such offender shall not be liable to the forfeiture of two hundred pounds current money, as and for the value of such Slave as aforesaid, any thing in this Act to the contrary notwithstanding. And if any Slave shall be guilty of any offence under the provision of this clause, he or she shall on conviction thereof be whipped, at the discretion of any justice of the peace, not exceeding thirty-nine stripes.

owner's service, or harbouring a runaway Slave to forfeit ten pounds to the owner's use, and ten shillings per day for each Slave unlawfully detained,

If the complaint cannot otherwise be fully supported, the accused to be examined on oath touching the same.

The offender summoned and not appearing, or appearing shall refuse to be sworn, the complaint to be taken *pro confesso*.

A penalty of two hundred pounds to be imposed on an offender refusing to deliver up a Slave to the owner.

Proviso—
Such penalty not to attach on any offender if the Slave die before judgment pass.

Slaves guilty of any offence under this clause to be whipped.

Clause 54.

And be it further enacted by the authority aforesaid, that where any Slaves unlawfully detained contrary to the provisions of this Act, are or shall be lent, rented, or hired out, the borrower, renter, or hirer, shall not incur the penalties imposed by this Act, unless such borrower, renter, or hirer, shall refuse to restore any such Slaves, or either of them, when lawfully demanded or recovered, but the person lending, renting, or hiring out, shall be liable and subject to all such penalties, and be levied upon for the same accordingly: And be it further enacted, that if any person or persons shall be lawfully possessed of the Slave or Slaves of any other person or persons, as attorney, overseer, agent, renter, or otherwise, for any certain time or term, and shall, after the end and expiration thereof, refuse to deliver up and restore such Slave or Slaves to the lawful owner or owners, every such person shall be declared an unlawful detainer, and shall be subject and liable to the like forfeitures, as hereinbefore appointed, in cases of the unlawful detaining of Slaves.

Where Slaves unlawfully detained are hired out, the hirer shall not incur any penalty unless he refuse to restore them when lawfully demanded, but the person hiring them out to be liable to the penalties.

Persons lawfully possessed of the Slaves of others as attorney, &c., and shall refuse to deliver them to their lawful owners, shall be declared unlawful detainers and subject to the penalties in this Act.

Clause 55.

And be it further enacted by the authority aforesaid, that if any Slave shall run away, or absent himself or herself from the service of his or her owner, proprietor, or other person, having the lawful charge or direction of such Slave, or if any Slave shall misbehave himself or herself to his or her owner, proprietor, or other person having the lawful charge of him or her, and such owner, proprietor, or other person as aforesaid, shall think fit to prefer a complaint for the same before any justice of the peace, instead of exercising his or her authority on the occasion, such justice, to

Justices empowered to hear complaints of owners against their Slaves for running away, or otherways misbehaving, and to punish them where owners may not wish to exercise their own authority.

whom any such complaint shall be made, shall, and he is hereby directed to hear and determine the same, and upon conviction thereof, to sentence such Slave to be whipped, at the discretion of the said justice, not exceeding thirty-nine stripes, or to be worked in the public service for any time not exceeding six months.

Clause 56. Any justice, or other person having a justice's warrant may raise an armed guard, not exceeding twenty men, to search for and apprehend runaway Slaves. Guard to be paid by the owner fifty shillings, for each runaway Slave apprehended by them.

And be it further enacted by the authority aforesaid, that any justice of the peace, or any other person having a warrant of a justice of the peace for that purpose, shall and may, upon notice given of the harbouring place or places of any fugitive Slaves, raise and arm a guard of any number of men, not exceeding twenty, to apprehend and take them, and the said guard shall be entitled to the sum of fifty shillings, current money of this island, to be paid by the owner or possessor of every fugitive Slave taken by them, on such Slave being delivered into the possession of such owner or possessor, which, if not forthwith paid, shall and may be recovered before any justice of the peace, as in the case of servants' wages; and if, in the taking of any such fugitive Slave as aforesaid, such Slaves shall resist the authority of the guard with arms or weapons of offence, and any of them, in consequence of such resistance, shall be killed or wounded by the said guard, the said guard, or any one or more of them, shall not be punished or punishable for the same either criminally or otherwise, any law to the contrary notwithstanding.

If any Slave resist the authority of the guard, and any of them be killed or wounded, the guard shall not be punished.

Clause 57. A Slave who shall take up a runaway, or inform against a person who may harbour a runaway, so that he be taken, such Slave shall be entitled to twelve shillings and sixpence, from the owner of the runaway:

which if not forthwith paid, to be recovered by complaint to a justice.

And in order to give due encouragement to Slaves, be it further enacted by the authority aforesaid, that every Slave or Slaves who shall take up any runaway Slave or Slaves, or inform against any person who shall harbour or conceal any runaway Slave or Slaves, so that such runaway Slave or Slaves may be taken and restored to his, her, or their owner or owners, proprietor or proprietors, every such Slave or Slaves so taking up any such runaway Slave or Slaves, or so informing as aforesaid, shall be entitled to the sum of twelve shillings and sixpence, to be paid by the owner or owners, proprietor or proprietors, of such runaway Slave or Slaves, and which, if not forthwith paid, the same shall be recovered before any justice of the peace, as in the case of servants' wages, upon complaint of the owner or proprietor of the Slave or Slaves entitled to the same, or upon the complaint of the acting protector of Slaves.

Clause 58. When penalties are rewarded by justices, they are to issue executions directed to a constable for raising the same as servants' wages.

Constables to have the like fees as the provost marshal.

And be it further enacted by the authority aforesaid, that in all cases not otherwise provided for, where any forfeitures or penalties shall be awarded by any justice or justices of the peace under any of the provisions of this Act, such justice or justices at the time of awarding the same, shall issue an execution or executions, under his or their hand and seal, or hands and seals directed to any constable for levying and raising such forfeitures or penalties, as in the case of servants' wages, and the constables levying executions under the authority of this Act, shall be entitled to demand and receive the like fees as the provost marshal of the Courts of Common Pleas within this island, is entitled to demand and receive on levying executions to him directed from the said courts.

Clause 59. Purchasers of effects sold by virtue of this Act who do not pay for them within twenty days, to incur twenty per cent more, to be raised by a justice's warrant.

The effects purchased to remain specifically liable for the purchase-money, and any deficiency to be raised by sale of the purchaser's other estate.

If the constable shall not in ten days after receipt of monies raised under any writ

And be it further enacted by the authority aforesaid, that if any person or persons, who, on the sale at outcry of any goods, chattels, or effects by virtue of this Act, shall happen to be the highest bidder or bidders, shall not pay the sum by him, her, or them, bid at such sale at outcry within twenty days after, then, and in such case, the justice or justices awarding the judgment or judgments in satisfaction of which such goods, chattels, or effects may be sold, or any other justice or justices of the peace shall and may issue a writ of twenty per cent against the person or persons who shall so fail in payment, directed to any constable, to be proceeded on in the same manner as writs of twenty per cent issuing from the judges of the Common Pleas. And for satisfying which writ, the goods, chattels, or effects so purchased, shall be subject and liable, prior and preferable to any other debt or demand against such purchaser or purchasers, and what the same shall prove insufficient for raising, shall be levied and raised on any other estate of such purchaser or purchasers. And in case any constable, to whom any execution or writ of twenty per cent shall be directed, shall, after raising the whole or any part of the money, for which the same issued, neglect to pay the same over within ten days, to the person or persons

entitled to such money, the justice or justices issuing such execution or writ of twenty per cent, or any other justice or justices of the peace shall, and he and they is and are hereby required forthwith to issue an execution against such constable, directed to some other constable for levying and raising in manner as aforesaid, whatever sum of money he shall so make default in paying over. And by the order of any two justices of the peace, such constable so making default shall stand committed to prison for six months; and further, until the whole amount received by him be actually paid.

directed to him, pay same over to the person entitled, the justices shall issue an execution against such constable for raising the same.

Constable so making default to be imprisoned for six months, &c.

Clause 60.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace to issue precepts or warrants for apprehending and bringing before him or any other justice of the peace, any white, free black, or free coloured persons, or Slaves, charged with having committed any offence or offences against the provisions of this or any other Act in force in this island, to the end that proper bail may be taken (where the offences are bailable) for their appearance before the court or courts authorized and empowered to try such offenders, and in default or refusal to give such bail, the offenders may be committed to prison by warrant under the hand and seal of any such justice of the peace; but if any such offender or offenders shall be charged with the commission of any crime which, under the provisions of this or any other Act in force in this island, may subject such offender or offenders to suffer death or transportation, such justice shall, by warrant under his hand and seal, commit such offender or offenders to the common gaol of this island, there to remain, without bail or mainprize, until he, she, or they, shall be tried or released by a due course of law.

Justices shall issue warrants for apprehending offenders, and take bail for their appearance on the day of trial, and for want of bail commit the parties.

Offenders charged with crimes which would subject them to suffer death or transportation, they are to be committed without bail or mainprize.

Clause 61.

And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall commit any capital or other offence against the provisions of the present or any other Act of this island, and such Slave or Slaves shall thereafter be manumitted and set free from Slavery, such Slave or Slaves shall, nevertheless, be tried in like manner, and be subject and liable to the same punishment for any such offence as if he, she, or they, had not been so manumitted and set free, but still continuing in Slavery. Provided always, that if the offence committed by any such Slave or Slaves be a minor offence, only subjecting such Slave or Slaves to be whipped, such Slave or Slaves shall not be liable to be punished for the same as a Slave, unless complaint thereof be made to some justice of the peace within one month after such offence shall be committed.

Slaves manumitted after committing any capital or other offence, shall nevertheless be tried and punished as Slaves.

If a minor offence, only subjecting such Slave to be whipped, the complaint must be made within a month after the commission of the offence.

Clause 62.

And be it further enacted by the authority aforesaid, that in all cases in which any person shall be adjudged to be transported, the transportation shall be adjudged to be, and shall be, to such place or places as the Governor or Commander-in-Chief of this island for the time being, with the advice of his privy council, shall direct or appoint; and the expense attending such transportation shall be defrayed out of the public treasury, by an order from the Governor or Commander-in Chief of the island for the time being, by and with the advice and consent of the Council, upon the usual address for that purpose being made by the General Assembly for the time being. And be it further enacted, that in case any person ordered or adjudged to be transported shall be found at large within this island after sentence of transportation pronounced, he or she shall be guilty of felony without benefit of clergy.

Persons adjudged to be transported to be sent to such place as the governor and council shall direct.

The expenses to be defrayed out of the treasury.

Persons found at large after sentence of transportation shall be guilty of felony.

Clause 63.

And be it further enacted by the authority aforesaid, that if any owner, proprietor, or other person, shall wilfully or knowingly send off, or cause to be sent off this island any Slave or Slaves charged with any capital offence, in order to evade the punishment of such Slave or Slaves, every person so offending shall, on conviction thereof at the Court of Grand Sessions, be adjudged to pay a fine not exceeding five hundred pounds, and not less than two hundred pounds, to be paid into the public treasury for the uses of the island: and be it further enacted, that if any Slave shall be guilty of any offence under the provisions of this clause, such Slave shall, on conviction thereof before any two justices of the peace, be whipped by order of the said justices, not exceeding thirty-nine stripes, and be imprisoned with or without labour, in the public service, for any time not exceeding twelve months.

An owner or other person wilfully sending off the island any Slave charged with a capital offence, to be fined not exceeding five hundred pounds, and not less than two hundred.

A Slave guilty of such offence to be whipped and imprisoned.

Clause 64. Slaves imprisoned by sentence of a court or order of justices are to be fed at the public expense, and may, if so ordered, be worked on the tread-mill, or otherwise.

Classification of Slaves to be observed.

Seven pence halfpenny per day for each working day to be paid the owners of Slaves during imprisonment.

And be it further enacted by the authority aforesaid, that where any Slave or Slaves shall by sentence of the Court of Grand Sessions, or by the order of any justices be imprisoned, such Slave or Slaves during such imprisonment, shall be fed at the public expense, and shall and may if so directed by the said court or the said justices be worked in the tread-mill or otherwise in the public service, together with the Slaves confined in the Slave prison or gaol in the manner in this Act hereinbefore directed and required; due attention being paid to the classification of all Slaves so worked in reference to their character, conduct, and offences, and the sum of sevenpence halfpenny currency per day for each working day in the week shall be paid for every such Slave or Slaves to the owner or owners of such Slave or Slaves during such imprisonment by the treasurer of the island for the time being, upon the certificate of the said court, or of the said justices, whether such Slave or Slaves shall during such imprisonment be worked or not in the tread-mill or otherwise as aforesaid.

Clause 65. If Slaves convicted of theft be possessed of personal property, the court or justice trying them may issue a warrant for so much as will defray the expenses of prosecution, and making good the loss of the party robbed. In such case their punishment to be proportionably mitigated.

And be it further enacted by the authority aforesaid, that if any Slave possessed of personal property shall be prosecuted and convicted for any theft or robbery, it shall and may be lawful for the court or justices before whom such Slave shall be tried and convicted, to issue a warrant or warrants directed to any constable to attach and sell a sufficient part of such personal property to defray the expenses of the prosecution, and to make good to the party injured the amount of such theft or robbery, and in such case the punishments prescribed for such offences shall be proportionably mitigated, by the court or justices before whom the offender may be tried.

Clause 66. Penalties not otherwise applied, to be paid into the treasury.

The treasurer shall account for all monies received under this Act, and to have commissions as herein mentioned for all receipts and disbursements.

And be it further enacted by the authority aforesaid, that all fines, forfeitures, and penalties which may be imposed on any offender or offenders by virtue of the provisions of this Act where the manner of applying the same is not otherwise particularly directed, shall when levied and raised, be paid into the treasury of the island, to and for the public use. And the treasurer of the island for the time being, shall account with the committee of public accounts for all monies received by him by virtue of this Act in the same manner as he is required to do for any other of the public monies in his hands, and the said treasurer shall be allowed a commission of ten shillings for every hundred pounds which he shall receive, and the like sum of ten shillings for every hundred pounds which he shall pay or disburse under the provisions of this Act.

Clause 67. Offences, against the Acts hereby repealed, if not determined at the time of the passing of the Act, committed by Slaves shall be tried and punished as herein provided.

If by white or free persons they shall be amenable thereto.

The Acts and clauses of Acts to be put in force for punishing offenders thereunder.

And be it further enacted by the authority aforesaid, that all crimes and offences committed by Slaves or by any other persons against the provisons of any of the Acts or clauses of Acts herein and hereby repealed which shall not be heard, tried and determined, at the time of the passing of this Act, shall, if Slaves, be heard, tried and determined, in the manner hereinbefore provided and punished in the manner directed in the said Acts or clauses; and if white, free black, or free coloured persons, they shall be amenable thereto, and punished as therein directed. And to that end the said Acts and clauses of Acts shall be deemed and taken to be in full force and effect for punishing all such crimes and offences as shall be committed thereunder prior to the passing of this Act, anything herein before mentioned, seeming to the contrary notwithstanding.

Clause 68. This Act not to be in force until His Majesty's pleasure is known.

Provided always, and be it further enacted by the authority aforesaid, that this act or any thing herein contained shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times and passed the Council unanimously, the seventeenth day of October, one thousand eight hundred and twenty six.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly this third day of October, one thousand eight hundred and twenty six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

(Signed) HENRY WARDE.

Assented to by his Excellency the governor, on the twenty-third day of October, one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Secretary.

1.

(No. 82.) An Act for the Governing of Negroes.

Preamble.

WHEREAS the plantations and estates of this island cannot be fully managed and brought into use without the labour and service of a great number of Negroes and other Slaves: And forasmuch as the said Negroes and other Slaves, brought unto the people of this island for that purpose are of barbarous, wild, and savage nature, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of our nation. It therefore becoming absolutely necessary that such other constitutions, laws, and orders should be in this island framed and enacted for the good regulating or ordering of them, as may both restrain the disorders, rapines, and inhumanities to which they are naturally prone and inclined, with such encouragements and allowances as are fit and needful to their support, that from both, this island through the blessing of God thereon may be preserved, his Majesty's subjects in their lives and fortunes secured, and the Negroes and other Slaves be well provided for, and guarded from the cruelties and insolences of themselves or other ill-tempered people or owners: To which purpose be it enacted and ordained, by the Right Honourable Edwin Steede, his Majesty's Lieutenant Governor and Commander-in-Chief of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the Authority of the same, that no master, mistress, commander, or overseer of any family in this island, shall give their Negroes or other Slaves, leave on Sabbath days, holydays, or any other time, to go out of their plantations, except such Negro or other Slave as usually wait upon them at home or abroad, wearing a livery; and no other Negro or other Slave, except with a ticket under the master or mistress's hand, or some other person by his or her appointment, specifying the time allowed for his or her return, upon pain of forfeiting for every Negro or other Slave so licensed to go abroad, two shillings and sixpence sterling; half of the said fine to be to the informer, and the other to the public treasury. And if any master, mistress, commander, or overseer of a plantation, shall find any Negro or other Slave in their plantation at any time without a ticket, or business from his said master, and do not apprehend them, or endeavour so to do, and having apprehended them, shall not punish them with a moderate whipping, shall forfeit ten shillings sterling, to be disposed of as is aforesaid.

Vid. No. 91, 92, 93, 112, 116, 117, 159, 161, 164, 180, 196, and 201.

Clause 1.

No master to give his Negroes leave to go out of his plantation, except such as wait on them with a livery or with a ticket under his hand, specifying the time allowed for return.

Forfeiture two shillings and sixpence.

Any master, &c. finding any Slave in their plantation without such ticket, or business from his master and doth not apprehend and whip them, forfeits ten shillings.

And for that as it is absolutely necessary to the safety of this place, that all due care be taken to restrain the wanderings and meetings of Negroes and other Slaves, at all times, more especially on Saturday nights, Sundays, and other holydays, and their using and carrying of clubs, wooden swords, or other mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together, or give sign or notice to one another, of their wicked designs and purposes; and that all masters, overseers, and others, may be encouraged and enjoined, carefully and diligently to prevent the same: Be it enacted by the authority aforesaid, that it shall be lawful for all masters, overseers, and other persons whatsoever, to apprehend and take up any Negro or other Slave or Slaves, that shall be found out of the plantation of his or their master or owner, at any time, especially Saturday nights, Sundays, or other holydays, not being on lawful business, and with a letter from their master, or a ticket, or not having a white man with them (except only such Negroes or other Slaves as usually attend their masters, and have on a livery), and the said Negro or other Slave or Slaves correct, by a moderate whipping; and after notice given to their master, owner, or overseer, him or them detain, until the said master, owner, or overseer, pay to the said person that took him up, two shillings and sixpence for every such Negro or other Slave, he making oath before the next justice of the peace (if thereunto required by the owner of such Negro or other Slave), that he found or saw no letter or ticket with him: as also any Negro or other Slave or Slaves, met or found out of his plantation, of his or their master

Clause 2.

All persons to apprehend Negroes out of their master's plantations especially on Saturday nights, Sundays, or holydays, without business, letter, ticket, livery, or a white man with them, and whip them, and after notice, detain them till the master pays two shillings and sixpence, making oath if required, that they found no letter or ticket with them.

Also any Slave though with a letter or ticket if he be armed with

clubs, or offensive weapons. Vid. No. 91.

or owner, though with a letter or ticket, if he or they be armed with such clubs, or other offensive weapons aforesaid, him or them to disarm, take up, and whip, and shall receive the same reward as aforesaid, from the master or owner of such Negro or other Slave or Slaves; and whatsoever

Masters permitting Negroes to beat drums, &c. and do not search their Negro-houses every week and burn such instruments; or suffer public meetings or feasting of strange Negroes, forfeits fifty shillings if sued for in one month.

master, owner, or overseer, shall permit or suffer his or their Negro or other Slave or Slaves, at any time, to beat drums, blow horns, or use any other loud instruments, or shall not cause his negro-houses once every week to be diligently searched, and such instruments, if any be found, cause to be burned, or whosoever shall suffer and countenance any public meeting, or feasting of strange Negroes, or other Slaves in their plantations, shall forfeit fifty shillings sterling for every such offence, upon conviction or proof as aforesaid; provided an information, or other suit, be commenced within one month after forfeiture thereof for the same.

Clause 3. Every overseer to search his Negro houses every fourteen days for runaway Slaves, and for mischievous weapons, and burn them. Vide Clause 2. And for clothes not given by their master, and honestly come by, and suspected and known to be stolen, to seize and send a description thereof in writing to the clerk of the parish, who shall set it on the church doors, that the owners may have knowledge and restitution thereof on pain of twenty shillings.

And be it enacted by the authority aforesaid, that every overseer of a family in this island shall cause all his Negro houses to be searched diligently and effectually, once every fourteen days, for fugitive or runaway Slaves, clubs, wooden swords, and other mischievous weapons, and finding any so, to take them away and cause them to be burned; as also for clothes, goods, or any other things and commodities, that is not given them by their master, mistress, commander, or overseer, and honestly come by; in whose custody they find any thing of that kind, or suspect or know to be stolen goods, the same they shall seize and take into their custody, and a full and ample description of the particulars thereof in writing, within six days after the discovery thereof, to send to the clerk of the parish for the time being, who is hereby required to receive the same, and to enter upon it the day of its receipt, and the particulars to file and keep to himself; and shall set upon the posts of the church door a short brief, that such lost goods are found, whereby any person that hath lost his goods may the better come to the knowledge where they are, by further inquiring for stolen goods, until he shall first declare what he hath lost, and the marks and description thereof, and paid him twelve pence for the same, by which, if the said clerk shall be convinced that any part of the goods certified to him to be found, appertains to the party inquiring, he is to direct the said party inquiring, to the place and party where his goods be, who is hereby required to make restitution of what is in being to the true owner, upon the penalties of the forfeiture of twenty shillings sterling for every neglect by the overseer or clerk aforesaid, in any of the particulars aforesaid.

Clause 4. Any person suspected to trade with Slaves for stolen goods, to be bound in recognizance not to trade with them contrary to law. And if it appear to the Quarter Sessions that he hath shipped off suspected goods, unless he prove how he came by them his recognizance is forfeited.

And for the more effectual detecting and punishing such persons that trade with any Slaves for stolen goods: Be it further enacted, that where any person shall be suspected to trade as aforesaid, any two justices of the peace, or the justices of the Quarter Sessions of the peace, shall have power to take from him sufficient recognizance, not to trade with any Slaves contrary to the laws of this island; and if it shall afterwards appear to the justices of the Quarter Sessions that such persons hath, or hath had, or shipped off, any goods suspected to be unlawfully come by, such persons being called before the justices of the next following Quarter Sessions, shall there be obliged to make reasonable proof of whom he bought, or how he came by the said goods; and unless he do it, his recognizance shall be forfeited.

Clause 5. Negro striking a Christian, for the first offence to be severely whipped; for the second to be whipped, his nose slit, and burned in the face; and for the third offence such greater punishment as the Governor and Council shall think fit. Proviso— So it be not in defence of the master or goods.

And be it further enacted and ordained, that if any Negro or Slave whatsoever, shall offer any violence to any Christian, by striking or the like, such Negro or other Slave shall for his or her first offence, by information given upon oath to the next justice, be severely whipped by the constable, by order of the said justice; for his second offence of that nature, by order of the justice of peace, he shall be severely whipped, his nose slit, and be burned in some part of his face with a hot iron; and for his third offence, he shall receive, by order of the Governor and Council, such greater punishment as they shall think meet to inflict.

Provided always that such striking or conflict be not in the lawful defence of their masters, mistresses, or owners, of their families or of their goods.*

* A servant is not excused the commission of any crime by the command or coercion of his master, 1 Haw. 3, 131.

Clause 6.

All Slaves to be clothed once a year. Forfeiture of five shillings for each.

And it is hereby further enacted, that all the Slaves within this island shall have clothes once every year, that is to say drawers and caps for men, and petticoats and caps for women, upon pain of forfeiting of five shillings for each Slave that shall not be clothed as aforesaid, one-third to the informer, the other two-thirds to His Majesty, for the use of the poor of the parish where the offender liveth.

Clause 7.

Ten shillings to be paid by the treasurer for taking up a runaway Slave, not knowing the master, and bringing him to the provost marshal. Vide Clause 10.

How the payment is to be enforced.

And it is further enacted by the authority aforesaid, that all persons which shall hereafter take up any runaway or fugitive Negro, or other Slave or Slaves, not knowing the master or owner of such Negro or Slave, and shall bring them unto the provost marshal or his deputy, shall receive ten shillings sterling from the treasurer for the time being, who is hereby appointed to pay the same. And in case he shall refuse to make the said payment upon the presentiment of the said Negro, or other Slave or Slaves, and thereof oath to be made before any justice of the peace, the said justice is hereby authorized and required to direct his warrant to any constable, to cause the value thereof to be immediately levied out of the goods of the said treasurer, and the said goods to be delivered to the said party. And the Negroes or Slaves so brought, shall be kept in the cage at the stepping stones by the provost marshal, and not in gaol, which said cage is always to be kept in sufficient repair, at the public charge of this island.

Such Slave to be kept in the cage which shall be repaired by the public. See No. 6. Clause the last.

Clause 8.

Marshal to detain such Slave until the master pay the treasurer eleven shillings, and the said marshal four pence for every twenty-four hours he has been in custody, and sixpence to the turnke .

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said provost marshal to retain and keep in his custody as aforesaid, the body of all such runaways, until the owner of them shall pay unto the said treasurer eleven shillings sterling ; and also unto the said provost marshal fourpence for every four and twenty hours the said fugitive Slave hath been in his custody, and also until he have a discharge under the hand of the said treasurer or his clerk. And the turnkey shall receive sixpence for every Negro delivered.

Proviso—

The marshal to give him sufficient food and drink, to be proved if required.

Provided always that the said provost marshal do furnish the said Negroes or other Slaves with sufficient food and drink, which is to be proved upon oath, if by the owner of the Negroes or other Slaves it shall so required to be done.

Clause 9.

If such Slave die for want thereof, marshal to be responsible. If he suffer him to escape be shall pay the treasurer eleven shillings, and satisfy the master.

And if he suffer him to be employed out of the cage before due delivery, he shall forfeit five pounds to the master.

And it is further enacted by the authority aforesaid, that if any of the said Slaves shall die for want of food, the said provost marshal shall be responsible for them to the owner ; and if the said marshal suffer any Slave to escape before he be duly delivered by a discharge in writing under the hand of the above-said treasurer, the provost marshal shall pay unto him the aforesaid treasurer eleven shillings, and shall make further satisfaction to the owner, as by the Governor and Council shall be thought fit. And if the said provost marshal shall suffer any Slave to be any ways employed out of the cage before due delivery as aforesaid, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of five pounds sterling.

Clause 10.

Who takes a runaway shall deliver on oath to the treasurer, or in his absence to a justice before he is paid, his name and place of abode, the time and place where he took the Negro, and that he knew of no ticket, nor the owner, which the treasurer is to enter in a book that masters may know when their Slaves are taken up, by whom, and if wrongfully. Vide Clause 7.

Keeper of the cage to take a receipt on delivery of Slaves.

And it is further enacted by the authority aforesaid, that all such persons as shall apprehend and bring down any runaway Slave or Slaves to St. Michael's Town, unto the treasurer for the time being, or to the cage, shall upon such bringing down such runaway Slave or Slaves, deliver upon oath to the said treasurer, or in case of his sickness or absence, unto any justice of the peace, to be by him returned to the treasurer's office (before he shall receive the consideration before appointed), an account of his name and place of abode, with the time when and place where he apprehended such fugitive Slave or Slaves, and that he knew of no ticket that the Negro had, nor the owner of such Negro or Slave, which the said treasurer is hereby required to take and enter into a book, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended, and by whom, and whether they might be wrongfully taken up, or not ; and that the keeper of the cage, at the delivery of any Slaves, do take a receipt of the person to whom delivered, and there insert the mark or description of the Slave delivered.

And whereas divers evil and ill-disposed persons have hitherto attempted to steal away Slaves by specious pretence of promising them freedom in

another country, against which pernicious practices no punishment suitable hath been yet provided: Be it therefore enacted and ordained by the authority aforesaid, that what person soever shall directly or indirectly at any time after publication hereof, tempt or persuade any Negroes or other Slaves to leave their masters' or mistresses' service to whom they are Slaves, out of an intent and design to carry away any of them off this island, or to conceal or entertain any of them upon this island, or howsoever to defraud the said masters or mistresses of them, and be thereof convicted by their own confession, on the oath of one credible witness, shall be, by the two next justices of the peace where the injured person lives, whereof one to be of the quorum, adjudged to pay the master of the said Negro or other Slave, five and twenty pounds sterling, to be levied as in case of servants' wages: but in case the party offending shall not be found worth lands, goods, or chattels, to the value aforesaid, then shall the justice for so long time as will recompence the party injured for the twenty-five pounds aforesaid, adjudge him servant for five years to the party injured, and so deliver him over to him, and make a record thereof: But if any man shall so tempt or practice with any persons, Negroes, or Slaves, and them actually so attempted, convey away or send off the island, and be after apprehended and convicted for the same in this island, he shall be by the two next justices as aforesaid, condemned to pay the owner of such Negro or other Slave, three times the value of him or them, and execution for the same from the two justices to issue accordingly, as in the case of servants' wages; and if the person so offending has no estate, then he shall be ordered by the justices to serve the party injured as aforesaid.

Clause 11. Who tempts a Slave to leave his master's service, to carry him off, or conceal him here, by his confession, or one witness before the two next justices; *quorum unus*, shall pay the master twenty-five pounds. Vide No. 159.

If he be not worth so much, to serve five years.

If he actually carry off the Slave, to pay three times the value. No. 159. Clause 2. makes it felony without clergy.

And if he has no estate, shall serve as aforesaid.

And whereas many heinous and grievous crimes, as murder, burglaries, robbing in the highways, rapes, burning of houses or canes, be many times committed by Negroes, or other Slaves, and many times maliciously attempted by them to be committed, in which, though by divers accidents they are prevented, yet are their crimes nevertheless heinous, and therefore deserve the like punishment; as also do many times steal wilfully kill, maim, or destroy one or more horses, mares, geldings, cattle, sheep, or other quick or dead thing of the like nature, and of the value of twelve pence or above: and many times by attempting to steal from the inhabitants of this island, stock and other goods before mentioned, of above, or under the value aforesaid, do put such inhabitants, or some of his family in terror, dread, or jeopardy of their lives, which several offenders for danger of escape are not long to be imprisoned, and being brutish Slaves, deserve not, for the baseness of their condition, to be tried by the legal trial of twelve men of their peers of neighbourhood, which neither truly can be rightly done, as the subjects of England are, nor is execution to be delayed towards them, in case of such horrid crimes committed. It is therefore enacted and ordained by the authority aforesaid, that when any such* crimes as aforesaid shall be committed, or attempted to be committed by any Negro, Slave or Slaves, and the said criminals be apprehended and brought before any of his Majesty's justices of the peace within this island, the justices before whom the said criminals are brought, shall take security for their forthcoming, or send them to prison; and with all convenient speed shall join to him the next justice of the peace, and these two justices shall, by their warrant or precept, call to them three able, good, and legal freeholders of the† place nearest where the said crimes were committed; and these five persons, *viz.*, the two justices and the three freeholders, shall hear and examine all‡ evidences, proofs, and testimonies of the fact committed, and if by such evidences, proofs, and testi-

Clause 12. Slaves committed or attempting to commit capital crimes against white persons, to be tried by two justices and three freeholders, nearest the place where the crime was committed, upon oath.

* Such crime includes all such in mischief and inconvenience.—2 Haw. cap. 33, sect. 43, 11, co. 33 sect. 6.

† They of one side of a country are by law of the neighbourhood to try an offence of the other side of the country.—2 H. H. 264. Vicini vicinorum facta præsumantur scire.—1 Inst. 158.

‡ Circumstantial evidence may amount to the utmost degree of probability, but can go no further.

monies, or by * violent circumstances, they shall find such Negro or other Slave or Slaves guilty thereof, they shall give sentence of death upon them accordingly, the said freeholders being first † sworn before the two justices, who are hereby empowered to administer the same, and forthwith by their warrant cause execution to be done upon such Negro or Negroes, Slave or Slaves, by some Negro to be pressed for that purpose, by some constable to be appointed by warrant from the said justices.

And if found guilty sentence of death to be passed and immediately execution done. See No. 180, clause 1 and 2.

It is further provided, that if any freeholder shall make default to appear upon such summons before the justices as is before mentioned, or appearing, refusing to join with them as is before appointed, and do shew no cause for such default, to be approved by the said justices, then the aforesaid justices do set a fine upon him for fifty shillings sterling, forthwith by their warrant or precept to the next constable, or what constable they shall think fit, to levy the same upon the aforesaid freeholder, his goods or chattels, accordingly.

Proviso—Freeholder not appearing, or refusing his duty, forfeits two pounds ten shillings, recoverable as servants' wages.

And if any person shall send off his Negro that hath killed another, he shall pay unto the master of such Negro, the value of such Negro so killed as aforesaid.

Any person sending off his Negro that has killed another, shall pay the value of the Negro killed.

Clause 13. Vid. No. 54.

And in regard great mischiefs daily happen by the petty larcenies committed also by the Negroes and Slaves of this island: Be it therefore enacted by the authority aforesaid, that if any Negro or other Slave shall hereafter steal or destroy any goods, chattels, and provisions, canes, or green corn whatsoever, of any other persons than his masters or mistresses, being under the value of twelve pence, every Negro or other person so offending and being brought before some justice of the peace of this island, upon complaint of the party injured, and shall be adjudged guilty by confession, proof, or probable circumstances, such Negro or Slave so offending (excepting children whose punishment is left wholly to the discretion of the said justice), shall be adjudged by such justice to be publicly and severely whipped, not exceeding forty lashes; and the said justice shall order and cause the owner of such Negro or other Slave, to make satisfaction to the party injured: And if such Negro or other Slave, punished as aforesaid, be afterwards found guilty of the like crimes aforesaid, under the value of twelve pence as aforesaid, he or they, for such his or their second offence, shall, by order of the justice of peace before whom such complaint and proof is made, have his or their noses slit, and be branded in the forehead with a hot iron, that the mark thereof may remain; and the said justices shall order the owner of such Negro or other Slave to make satisfaction to the party injured, double the value of what his loss shall appear to be: And if such Negro or other Slave, after the second time as aforesaid, be accused of petty larceny, or any of the offences before-mentioned, such Negro or other Slave shall be tried in such manner as murder, burglary, &c., are provided to be tried; and if such Negro or other Slave as shall be tried, be found guilty a third time of any the offences afore-mentioned, then such Negro or other Slave, for that third offence, shall be adjudged to suffer death, in the manner as is appointed in cases of murder as aforesaid, or other punishments as the said justices shall think fit. And in case the said justices and freeholders, or any or either of them, shall neglect or refuse to perform the duties by this Act required of them, they shall severally for such their respective defaults, forfeit the just sum of five and twenty pounds sterling.

Slave convicted of petty larceny before a justice, to be severely whipped for the first offence, his master to make satisfaction.

Punishment of children left to the discretion of the justice.

For the second offence, his nose slit, and deeply branded in the forehead, his master to make double satisfaction.

For the third offence to be tried capitally; and if found guilty, to suffer death, or other punishment as the justices think fit.

Justices or freeholders neglecting the duty herein required, respectively forfeit twenty-five pounds. Vid. the foregoing and the 20th clauses.

Clause 14.

And it is further enacted, ordained, and published, by authority aforesaid, that if any Negroes or other Slaves shall make mutiny or insurrection, or rise in rebellion against this place or people, or make preparation of

Mutinous or rebellious Slaves to be tried by martial law.—Vid. No. 91.

* A slight or probable presumption only, has little or no weight, but a violent presumption, amounts in law to full proof, that is where circumstances speak of strongly, that to suppose the contrary would be absurd. And where that presumption necessarily arises from such circumstances, they are more convincing and satisfactory than any other kind of evidence, because facts cannot lie.

† The Oath administered to the freeholders on the trial of Slaves, viz.—"You and each of you do swear on the Holy Evangelists of Almighty God, that you will well and truly hear, and examine all Evidences, Proofs, and Testimonies that shall be given you on the trial of the Negro A, now before us, on a charge of Felony alleged against him by B. C. and shall faithfully deliver your several opinions to us, whether he be guilty or not.—So help you God."

arms, powder, bullets, or offensive weapons, or holding any council, or conspiracy of, or raising mutiny or rebellion against this island, as hath formerly been attempted, that then, for speedy remedy thereof, the governor of the island, or superior officer for the time being, appoint a colonel, and the field officers of the regiments of this island, or any four of them, to meet in council, and proceed by martial law against the actors, contrivers, raisers, fomenters, and concealers of such mutinies or rebellion, and them punish by death or other pains, as their crimes shall deserve, and as to the aforesaid colonel and field officers, or any four of them, shall seem fit.

Now inasmuch as the loss of the Negroes or other Slaves that shall suffer death by this Act, would prove too heavy for the owner of them only to bear, and that the owners of Negroes may not be discouraged to detect and discover the offences of their Negroes, and that the loss may be borne by the public, whose safety by such punishments is hereby provided for and intended: Be it therefore enacted and ordained by the authority aforesaid, that in all cases whatsoever where any Negro or other Slave, by the appointment and provision of this Act, shall suffer death, then shall such justices and freeholders, or colonel and field officers, who adjudged such Negro or other Slave to suffer death, immediately after sentence thereof given, inquire by the best means they are able, of the value of such Negro or other Slave, in which value they shall never exceed the sum of five and twenty pounds sterling for any one Negro or other Slave; and also the damage of the party injured, and make certificate thereof to the treasurer for the time being, therein requiring the said treasurer to pay out of the value of the said Negro or Negroes, the value of the damage to the party injured, and the overplus, if any be, to the owner or owners of such Negro or other Slave; and if there be no party injured, then the whole value to the owner or owners of the said Negro or other Slave, out of the public treasury of this island.

Clause 15. Where a Slave by this Act suffers death, the judges immediately after sentence, shall value such Slave not exceeding twenty-five pounds, and the damage of the party injured, and make certificate to the treasurer to pay the damages, and the overplus, if any, to the master. By Act No. 117, cl, 24, they are to inquire into the value of the Slave, and also the reversion, if any, and certify the same to the treasurer, &c.—Vid. No. 91.

But in regard there are some masters and owners of Negroes and other Slaves in this island, who do not make sufficient conscience of providing what is necessary for their Negroes and other Slaves, or allowing them time to plant or provide for themselves, for which cause such Negroes or other Slaves are necessitated to commit crimes contrary to this law; and yet the safety of this island requiring that such Negroes and other Slaves shall suffer as this law hath appointed, rather than the poor inhabitants of this island be ruined, and driven from thence by their means, that therefore such masters and owners of Negroes and other Slaves, whose neglect of their Negroes and other Slaves, make them in some measure guilty of their crimes may not be countenanced therein at the charge of the public: Be it hereby further enacted by the authority aforesaid, that the justices and freeholders appointed as aforesaid, to inquire into the value of such Negro or other Slave as they shall sentence the death, shall also further inquire by witnesses examined on their oaths, or by other good information, how the owner or owners of such Negro or other Slave condemned as aforesaid, was provided with provision and other necessaries, and what allowance those Negroes and other Slaves had received. And if it shall appear to the said justices and freeholders, or the major part of them, that the said master or owner, had not provided reasonably and as is generally accustomed for Negroes and other Slaves, and that necessity might have compelled the said Negro or other Slave to the offences they have committed, then, and in that case, the justices and freeholders as aforesaid, shall certify the same to the treasurer aforesaid, and only appoint the said treasurer to pay the damage to the party injured, out of the value of the said Negro or other Slave, and nothing to such master or owner. And if the treasurer for the time being, having sufficient public stock in his hands, shall fail to make satisfaction and payment to such master or owner of any Negro or other Slave, he having the governor's warrant for the same, the party injured, or both, shall have an action of debt upon such certificate as aforesaid, against the said treasurer in the Court of Common Pleas, for the precincts of St. Michael's, &c.; and the treasurer being thereto duly summoned, shall at the first court after summons, plead, and come to trial, or else judgment to pass

Clause 16. And they shall also inquire if such Slave was properly provided with necessaries. Vide No. 117, Cl. 24.

And if it appear he was not, but compelled by necessity to commit the crime, the justices and freeholders shall certify the same to the treasurer, and only appoint him to pay the damage and nothing to the master. Vide the preceding Clause.

Penalty on the treasurer refusing payment, when there is money in the treasury.

against him by default, and after judgment, execution immediately to issue for satisfaction.

And in regard the planter's necessity doth compel them for the management only of their lands, to keep so vast a stock of Negroes and other Slaves, whose desperate lives and great numbers become dangerous to them, and all other the inhabitants; that therefore, such who are not bound up by that necessity, in having plantations of their own or hired land, may not increase the danger to this island, by keeping Negroes or other Slaves to hire out to others: Be it therefore enacted by the authority aforesaid, that no person of the Hebrew nation residing in any sea port town of island, shall keep or employ any Negro or other Slave, be he man or boy, for any use or service whatsoever, more than one Negro or other Slave, man or boy, to be allowed to each of the persons of the said nation, excepting such as are denizened by His Majesty's letters patent, and not otherwise, who are to keep no more than for their own use, as shall be approved of by the Lieutenant-Governor, Council, and Assembly; and if any Negro, man or boy, more than is before allowed by this Act, shall be found three months after the publication hereof, in the custody, possession, or use of any of the persons aforesaid, then every such person or persons shall forfeit such Negro or other Slave, one moiety of the value thereof to whomsoever shall inform, and the other moiety to his Majesty to the uses in this Act appointed.

Clause 17. This Clause is repealed by Act, No. 108.

And whereas divers Negroes and other Slaves at this present are, and long since have been run away into woods and other fastnesses of this island, doing continually much mischief to several the inhabitants of this island, hiding themselves sometimes in one place and sometimes in another, so that they are not to be found without much difficulty: Be it therefore enacted, that from and after the publication hereof, it shall and may be lawful for any justice of the peace, constable, or captain of a company within this island, that shall have notice of the residence or hiding-place of any runaway Negroes or other fugitive Slaves, to raise and arm any number of men not exceeding twenty, to apprehend and take them either alive or dead. And for every Negro and other Slave that they shall take alive, having been run away from his master above six months, they shall receive fifty shillings sterling, and for every Negro or other Slave which hath been run away above twelve months, five pounds from the master, owner, and commander of the said Negro or other Slave; if killed in taking, they shall receive fifty shillings sterling from the public, any Act or Statute heretofore to the contrary notwithstanding.

Clause 18. Any justice, constable, or captain, may raise and arm twenty men to take runaways alive or dead.—Vide No. 92.

And for every one run away above six months, to demand fifty shillings, and for every one run away above twelve months five pounds.

But see Act No. 180, clause 4, where this is altered.

If killed in taking, fifty shillings to be paid by the public.

And it is further enacted and ordained by the authority aforesaid, that if any Negro or other Slave, under punishment by his master or his order for running away, or any other crimes or misdemeanours towards his said master, unfortunately shall suffer in life or member, which seldom happens, no person whatsoever shall be liable to any fine therefore; but if any man shall of wantonness or only bloody-mindedness, or cruel intention, wilfully kill a Negro or other Slave of his own, he shall pay into the public treasury fifteen pounds sterling; but if he shall so kill another man's, he shall pay to the owner of the Negro double the value, and into the public treasury twenty-five pounds sterling; and he shall further, by the next justice of the peace, be bound to the good behaviour, during the pleasure of the governor and council, and not be liable to any other punishment or forfeiture for the same; neither is he that kills another man's Negro or other Slave by accident, liable to any other penalty but the owner's action at law. But if any poor small freeholder or other person killing Negro or other Slave by night, out of the road and common path, and stealing, or attempting to steal, his provision, swine, or other goods, he shall not be accountable for it; any law, statute, or ordinance, to the contrary notwithstanding.

Clause 19. Slaves dying under punishment, no person liable therefore; but who kills his own Negro wantonly or cruelly, shall pay fifteen pounds to the public.

If another man's Negro, he shall pay him double the value, to the public twenty-five pounds, and be bound by the next justice to the good behaviour during the pleasure of the governor and council.

If by accident, then only liable to the owner's action.

Who kills a Negro by night out of the road, stealing or attempting to steal, not accountable.

And be it further enacted by the authority aforesaid, that all fines and forfeitures arising by this Act, shall be to His Majesty, for the use of this island, according to such uses and proportion that in the aforesaid clauses are respectively appointed; and such thereof as are not otherwise limited and appointed in this Act, as are above the sum of five pounds sterling,

Clause 20. Fines and forfeitures, not before appropriated, how recoverable and to be applied.

shall be recovered by bill, plaint, and information, in any of His Majesty's Courts of Record within this island;—and such as are of the sum aforesaid, or under, shall be recovered before any justice of the peace within this island, who is hereby required to grant execution for the same, as in the case of servants' wages; provided the same be commenced within thirty days after the same be forfeited.

Clause 21. This Act to be published in all the respective parish churches, twice yearly By the Act No. 164, cl. 2, this Act and No. 116 are to be published once yearly.

And lastly, to the intent this Act, and every clause and branch thereof, may receive full execution, and no person plead ignorance therein, it is ordained and enacted by the authority aforesaid, that this Act be read and published in all the respective parish churches in this island, the first Sunday in February, and the first Sunday in August, in every year ensuing.

Clause 22. All former Acts relating to the governing of Negroes, repealed.

And be it further enacted by the authority aforesaid, that all Acts heretofore made, concerning or any way relating to the governing of Negroes, enacted before the date of this Act, shall be repealed, and are hereby repealed to all intents and purposes whatsoever.

Passed August 8th, 1688.

2.

Vid. No. 112.

(No. 91.) An Act for the Encouragement of all Negroes and Slaves that shall discover any Conspiracy.

Preamble. Vid. No. 82, cl. 14.

WHEREAS sundry of the Negroes and Slaves of this island, have been long preparing, contriving, conspiring, and designing a most horrid, bloody, damnable, and detestable rebellion, massacre, assassination, and destruction, by them to be committed, done, and perpetrated upon and against all the white inhabitants hereof; but before this could be effected it hath pleased Almighty God to give us a gracious deliverance by a miraculous discovery thereof: To the end such barbarous purposes and practices may be prevented for the future, and that such Negroes and Slaves as are not infected and drawn in by the wicked and devilish instigations of others, may not be excited thereto, nor prevented in point of their obedience, but may be encouraged to continue orderly and quietly, and discover as soon as shall come to their knowledge, any design, purpose, or intent of any Negro or other Slave to commit or abet any insurrection or rebellion: Be it enacted by his Excellency Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this island, and by the authority of the same, that whatsoever Negro or Slave shall after publication hereof, hear any other Negro or Slave speak or utter any words tending to mutiny, insurrection, or rebellion; or shall have or prepare any gunpowder, ball, sword, lance, or other warlike instrument, than what are allowed for watching, or other service of the country, and shall forthwith discover the same to any justice of the peace of this island, the said justice shall join himself to the next justice of the peace, and they two are hereby empowered and required to cause the said Negro or other Slave so accused, forthwith to be apprehended, and the accuser and the accused to be brought face to face, and shall diligently inquire into the said matter. And if they shall find the accusation just, they shall secure the said Negro or Slave, and report the said matter to his excellency, or to the governor for the time being, who is hereby humbly requested to appoint field officers to try the said Negro or Slave, as by the Act entitled "An Act for the governing of Negroes," is provided, who are to proceed accordingly; and if they, the said field officers, shall find the said Negro or Slave guilty of what he or she stands accused, and shall condemn him or her to suffer death, such field officers shall appraise the condemned Negro as by the said Act is appointed: But the Negro which accuses the other, the field officers shall appraise at his or her full value and worth, although it exceeded the sum by the said Act limited, of which the said field officers shall forthwith certify his Excellency, or the Governor

Clause 1. If any Slave shall discover any conspiracy to any justice, he shall join the next justice, and cause the accused to be taken and brought face to face with the accuser; and if the accusation be just, they shall secure such accused Slave, and report the matter to the governor, who is to order him to be tried by martial law, as by the Act No. 82, cl. 14, is appointed. See No. 82, cl. 2.

If the accused suffer death, he shall be appraised, not exceeding twenty-five pounds. Vid. No. 82, cl. 15. But the accuser to be valued at his full worth, and the same certified to the governor,

for the time being upon oath; who is hereby requested to draw an order on the treasurer for that sum which such accuser is valued at, to be paid to the owner of such Negro or Slave at sight. And upon payment thereof his Excellency or the Governor for the time being, is requested to declare the said Negro or Slave free, and such Negro shall be sent off this island by the treasurer, to such place as he or she shall desire; who is hereby required to pay for such Negro's passage. But if such Negro had rather stay here with his master, mistress, or family, and not be free, such Negro shall receive forty shillings to his or her own use from the said treasurer. And if any Negro or Slave shall not make good his or her accusation, against such Negro or Slave as he or she shall accuse, such Negro or Slave shall receive such punishment, not to extend to life, or member, as by order of the said two justices or field officers that shall hear the matter shall think fit.

who is to draw an order on the treasurer, for payment of that sum to the master,

and to declare the Slave free; who shall be sent off, or stay here and receive forty shillings out of the treasury, at his choice.

Accuser not making good his accusation, to be punished by the two justices, or field officers, life and member excepted.

Passed October 27th 1692.

3.

(No. 92.) An Additional Act to an Act entitled "An Act for the governing of Negroes.

Preamble. Vid. No. 82.

WHEREAS by an Act of this Act entitled "An Act for the governing of Negroes," bearing date the eighth day of August, one thousand six hundred, eighty and eight, amongst other things, it was enacted in these words: "And be it further enacted by the authority aforesaid, that all Acts heretofore made concerning, or anywise relating to the governing of Negroes, enacted before the date of this Act shall be repealed, and are hereby repealed to all intents and purposes whatsoever." And whereas by a former Act of this island, entitled "A Supplemental Act, to a former Act entitled "An Act for the better ordering and governing of Negroes," bearing date the one-and-twentieth day of April, one thousand six hundred seventy and six, it was enacted in these words:—viz. "That if any Negro or Slave after he hath lived in this island for the space of twelve months at least, shall run away from his master or mistress, and continue absent above the space of thirty days, such Negro or Slave shall suffer death for the same; the offence to be tried as the offences expressed in the first branch of this Act, and the owner of such Negro or Slave shall be allowed his reasonable value from the public treasury of this island, in the same manner as is allowed for other Negroes that suffer death by this Act." Which last-mentioned Act was often revived and continued; but the same clause after some Negroes had suffered death for running away as aforesaid, was repealed, it being expected that others would have taken warning thereby, and not have been guilty of such offence for the future. And forasmuch as the first mentioned Act now in force, bearing date the eighth day of August, one thousand six hundred eighty-eight, hath made no provision that such Slaves, as absent themselves thirty days shall suffer death as aforesaid; and such is their brutish and barbarous nature, that they will not be reclaimed by any fair means, but by the often running away of Negroes and Slaves, and by their long absence from the service of their owners, they become desperate, and daily plot and commit felonies and other enormities, not only to the terror and affrightment of the neighbourhood, but the danger of the island in general: Be it enacted by His Excellency Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the authority of the same, that if after publication of this Act, any Negro or Negroes, or other Slave or Slaves, after he, she, or they have lived in this island one whole year, that is, are or shall run away and absent him, her, or themselves from the service of his, her, or their master, mistress, or other persons with whom he, she, or they reside, and shall continue absent for and during the the space of thirty days shall suffer death for the same; the said offence and offences to be tried in the like manner by two justices of the peace,

No. 353, in the list of expired laws.

No. 82. in force.

Clause 1.

Negroes that have lived in this island one year, if run away thirty days, to suffer death, and to be tried as felons, the owner receiving their value, not exceeding twenty five pounds, out of the public treasury. Vid. No. 82. Cl. 12. 15. No. 161. Cl. 1. and 180.

and three freeholders, as other criminals in and by the said Act now in force, to which this is an additional, are appointed to be tried; such Negro or Slave to be valued by them the said justices and freeholders; which value the owner thereof shall be paid and allowed out of the public treasury of this island, as is allowed for other Negroes that suffer death by the said Act.

Passed October 27th, 1692.

4.

Vid. No. 41.

(No. 93.) An Act for Prohibiting the Selling of Rum or other strong Liquors, to any Negro or other Slave.

Preamble.

WHEREAS many enormities have been committed, and mischiefs hatched and contrived by Negroes and other Slaves, when opportunities have been given of meeting, and excessive drinking thereat: For remedy thereof for the future, Be it enacted by his Excellency, Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the authority of the same, that whatsoever person or persons, after publication hereof, shall sell any rum or other strong liquor to any Negro or Slave, or any other person for the use of any Negro or Slave, and being convicted thereof by the oath of any Christian, before the next justice of the peace, shall forfeit twenty shillings sterling for every such offence, the one half to the informer, the other half to the poor of the parish where the offender liveth, to be recovered by warrant from the said next justice of the peace, as in case of servants' wages. And if any white person whatsoever shall buy any rum or other strong liquors for any Negro or Slave, shall forfeit twenty shillings for every such offence, to be recovered in manner as aforesaid; the one half to the informer, the other half to the poor as aforesaid, or receive ten lashes upon his or her bare back, by order of the next justice, the whipper to receive fifteen pence, to be paid by the churchwarden, by order of the said justice for the time being.

Clause 1.

Who sells rum, or strong liquors to a Slave, or other person for their use, and convicted by the oath of a Christian, forfeits twenty shillings, half to the informer, and half to the poor.

White persons bringing rum, &c. for a Slave, forfeits twenty shillings in like manner, or receives ten lashes.

Whipper to be paid fifteen pence by the churchwarden.

Passed October 27th, 1692.

5.

Vid. No. 91.

(No. 112.) An Act for the Encouragement of such Negroes and other Slaves, that shall behave themselves courageously against the Enemy in time of Invasion.

Preamble.

FORASMUCH as there are many Negroes and other Slaves in this island, who are worthy of trust and confidence to be reposed in them, and therefore may be of great service to this island, should the same be invaded. To the end therefore, that encouragement may be given for every Negro or other Slave to behave themselves courageously against the enemy; Be it enacted by his Excellency, Mitford Crowe, Esq., Captain General and Commander-in-chief of this and other the Caribbee Islands, lying and being to windward of Guadaloupe, the Honourable the members of his Majesty's Council, and the General Assembly of this island, and by the authority of the same, that every Negro or other Slave within this island, who in time of invasion by her Majesty's enemies, or other attempt to be made on this island, shall engage and courageously behave himself in time of battle, so as to kill any one of the enemy, the said Negroes or other Slaves, and every of them, upon due proof thereof made before one of Her Majesty's justices of the peace in this island, by the oath of two credible white men, shall be, and are hereby respectively declared, freemen, to all intents and purposes whatsoever; and shall be deemed and held ab-

Clause 1.

Every Negro who, in time of invasion, shall behave courageously, so as to kill any one of the enemy, the said Negro, on due proof before a justice, shall be absolutely free.

Vide No. 91.

solutely free from all future Slavery towards his master and mistress, from and immediately after such proof to be made in manner aforesaid.

And to the end that the owners of every such Negro or other Slave, who shall gain their freedom by virtue of this Act, may receive a full recompense for the loss which they shall sustain thereby, Be it enacted by the authority aforesaid, that every Negro or other Slave, who shall happen to be set free by this Act, shall be valued and appraised, on oath, by two of the neighbouring freeholders to the place where the owners of such Negroes or Slaves live, before one of Her Majesty's justices of the peace in this island, which justice of the peace shall give a certificate of the value to the owner or owners of such Negroes or Slaves, who are to produce the same to his Excellency, and thereupon his said Excellency, by and with the advice and consent of the Council, is humbly desired to issue his order or orders on the treasurer of this island for the time being, forthwith to pay the same out of the duty of excise or strong liquors; and in case it shall so happen, that at the time of the issuing of each orders, there shall not be money sufficient in the treasury to discharge the same, then upon the treasurer's certifying the same upon the back of each order or orders, the respective owners thereof shall be allowed interest, at and after the rate of ten pounds per cent per annum, from the time of the date of the said certificate, until the full value of every such Negro or other Slave shall be paid and satisfied.

Clause 2. And the said Negro shall be valued, and the owner paid out of the public treasury.

If there is no money sufficient in the treasury, interest to be allowed at ten per cent.

And be it further enacted by the authority aforesaid, that if any Negroes or other Slaves, at the time of invasion, or appearance of the enemy, shall happen to be killed, the owner or owners of such Negroes or other Slaves, shall be paid the full value of every such Negro or other Slave out of the public treasury of this island; which value shall be set by the oath of two credible witnesses before any one of Her Majesty's justices of the peace in this island, who is hereby required to give a certificate thereof to the owner or owners of such Negro or Negroes or other Slave or Slaves; upon which certificate his excellency, by and with the advice and consent of the council, is humbly desired to issue his order or orders for payment thereof; any law, custom, or usage to the contrary in any wise notwithstanding.

Clause 3. If any Negro in time of invasion is killed, the owner shall be paid the full value thereof, out of the treasury. Vid. No. 99, Cl. 29, 35 and 36.

Passed the 30th day of November, 1707.

6.

(No. 116.) An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling and bartering.

Preamble.

WHEREAS sundry persons do daily send their Negroes and other Slaves to the several towns in this island and other places to sell and dispose of all sorts of quick stock, corn, fruit, pulse, and other things, under colour of which they traffic among themselves, and buy, receive, and dispose of all sorts of stolen goods, to the great damage of the inhabitants of this place, for remedy whereof, and to the intent poor people and servants may not want employment and encouragement: Be it enacted by his Excellency Mitford Crowe, Esquire, Captain General, and Governor-in-chief of this and other the Caribbee Islands lying and being to windward of Guadaloupe, the honourable the members of Her Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after publication of this Act, no person or person whatsoever shall send or employ any Negro or Negroes, or other Slave or Slaves in selling, bartering, or disposing of any goods, wares, merchandise, stock, poultry, corn, fruit, roots, and other effects or things whatsoever, to any person or persons whatsoever; and if any white person whatsoever shall be found buying of, or bartering with, any Negro or Negroes, or other Slave or Slaves, any of the before enumerated goods or commodities or any other thing or things whatsoever, he or she shall for each offence forfeit and pay the sum of five pounds current money of this island to Her Majesty, her heirs and successors for the use of the informer,

Clause 1. No Negro to be employed in selling or bartering, on any account whatever; and the persons found buying of, or bartering with any Negro, for each offence shall forfeit five pounds, and if poor receive twenty-one lashes by order of the justice complained to.

to be recovered by complaint on oath to the next justice of the peace, who is hereby empowered and required to administer the same; and if such white person shall not be able to pay his or her fine, in such case, he or she shall receive one and twenty lashes on the bare back, by order of the said justice before whom such complaint shall come.

Clause 2. The Negroes so selling, &c., shall receive twenty-one lashes.

And be it further enacted by the authority aforesaid, that all and every Negro or Negroes or other Slave or Slaves who shall be found selling or bartering any of the before-mentioned goods or commodities, shall have and receive by order of any justice of the peace, one and twenty stripes on his or her bare back, upon proof thereof made by any white person. Provided that this Act do not extend to prevent any Negroes or other Slaves from selling any stock or other things to his, or her, or their master, mistress, chief overseer, or manager, or to prevent any Negroes or other Slaves from selling milk, horse-meat, or fire-wood to any person or persons whatsoever. Provided also, that all such Negroes and other Slaves who are employed in selling milk, horse-meat, or fire-wood, shall have at all such times that he, she, or they, are selling the same, a metallic collar locked about his, her, or their neck or necks, leg or legs, with the name of his or her master or mistress engraven thereon, and the name of the parish wherein they live, and also the name of the person who made such collar.

Proviso— Not to prevent Negroes selling stock or other things to his master, &c., or milk, wood, and horse-meat to any other person.

Proviso— The said Negroes selling milk, &c., to have a collar.

Clause 3. Any white person going with any Negro to dispose of goods without the consent of the owner of such Slave shall forfeit twenty shillings for the first offence, and if poor receive twenty one lashes.

And be it further enacted by the authority aforesaid, that if any white person or persons shall undertake to go with any negro or negroes, Slave or Slaves, or shall by any means suffer him or herself to be procured to go with any negro or other Slave to dispose of any goods whatsoever, without the consent of the owner of such negro or Slave, such white person or persons, upon proof thereof before the next justice of the peace, shall forfeit and pay for the first offence twenty shillings current money to Her Majesty, her heirs and successors, to and for the use of the informer, to be recovered as in case of servants' wages, and for want of payment thereof, he or she shall by order of the justice before whom such complaint is made, receive one and twenty lashes on his or her bare back, and for every conviction afterwards of the like offence, he or she shall forfeit and pay the sum of five pounds current money to Her Majesty for the use aforesaid, or be punished by receiving one and twenty lashes on the bare back.

And for every conviction after, five pounds or twenty-one lashes.

Clause 4. Punishment for such as shall make collars for Negroes contrary to their masters' knowledge or consent.

And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, shall presume to make any such collars for Negroes' necks or legs as aforesaid, whereby any Negro or Negroes, or other Slave or Slaves may have the custody or keeping of them, contrary to his or her or their master or mistresses knowledge or consent, upon due proof by the oath of one or more credible witnesses, or the party's own confession before any one of Her Majesty's justices of the peace in this island, the said justice shall issue his warrant or warrants against each and every such offender for ten pounds current money, to be levied as in case of servants' wages, to Her Majesty, for the use of the informer or informers, and the party guilty, shall stand committed until the same be paid.

Clause 5. Penalty on such as suffer their Negroes to go at large and receive a daily, weekly, or monthly sum therefor, or any other consideration.

And be it further enacted by the authority aforesaid, that if any person or persons inhabiting this island, being owner or possessor of any Negro or Negroes, or other Slave or Slaves, shall permit such Negro or Negroes or other Slave or Slaves to go at large, and hire out him, her, or themselves to any person or persons, or following any trade, occupation, or calling, and receive the profits thereof to him, her, or themselves, or rendering to his or her said master or mistress, or to any other person or persons whatsoever for their use, a daily, weekly, or monthly sum of money or any other income, or any manner of gratuity whatsoever, every such person so suffering such Negro or Negroes, or other Slave or Slaves to go at large, or hire him, her, or themselves as aforesaid, for every such offence, shall forfeit the sum of ten pounds current money, for each Negro or other Slave on conviction thereof by the oath of any one or more credible witnesses, or the party's own confession before the two next justices of the peace, to the party complaining, to be recovered by warrant from the said justices, as in case of servants' wages, to Her Majesty, her heirs and successors, the one half to the use of the fortifications of this island, and the other to the informer, and shall by the said justices be obliged to give security in the sum of one hundred pounds current money, that the said Negro or any other of his Negroes or

Slaves, shall not for the future commit by his consent the aforesaid crime, and he, she, or they, shall stand committed until they perform the same.

Clause 6. Penalty on such as employ Negroes, without agreeing with the owner. See the preceding Clause and the Detinue Act, No. 117.

And be it further enacted by the authority aforesaid, that whatsoever person or persons shall employ any Negro or Negroes, Slave or Slaves, without agreeing for them with the owner or such person as shall be in lawful possession of them, upon due proof thereof made, he, she, or they shall forfeit and pay the sum of ten pounds current money, to the same uses and to be recovered after the same manner as is before expressed and mentioned in case of any persons letting their Negroes go at large and hire out themselves.

Clause 7. Penalty on such as shall take off a Negro's collar without leave of his master.

And whereas the inhabitants of this island do often put hooks and rings, or collars round their Negroes' necks and legs that absent themselves and run away from their masters' or mistresses' service, the better to distinguish them. so that hereby they may be apprehended and brought home: And whereas of late, some persons have and do often take off such pot-hooks and rings, by which means they are not known, and thereby keep out much longer from their masters' and mistresses' service, to their great detriment and damage;—for prevention of which—Be it enacted by the authority aforesaid, that if any white person or persons shall take off any pot-hook, ring, or collar from any Negro or Negroes or other Slave or Slaves' neck or necks, leg or legs, without the leave of their master, mistresses, or overseer, such person or persons shall forfeit and pay the sum of ten pounds current money, to Her Majesty, her heirs, and successors, to be paid to the owner of such Negro or other Slave, from whose neck or legs any pot-hook, ring, or collar shall be taken as aforesaid, due proof thereof being made before any of Her Majesty's justices of the peace or the party's own confession, to be recovered as in case of servants' wages, and in case any Negro or Negroes shall be found guilty thereof, such Negro or Negroes shall receive forty lashes on his or her bare back, by order of any one of Her Majesty's justices of the peace.

See No. 82. Cl. 4.

Clause 8. The clerk of the market to hire two able men, to apprehend any Negro, &c. that shall come to town to sell any goods &c. without having a collar.

And whereas many hucksters and other persons in this island, notwithstanding the forfeitures and penalties of several laws heretofore made against the trading with Negroes, still cunningly held and privately carried on a private correspondence with them, and thereby very much encouraged thefts and robberies, to the great damage of many of the inhabitants of this island: And whereas it is impossible altogether to discourage and find out such evil practices without there be some fit persons appointed to discover, make known, and prosecute all such persons as aforesaid: Be it therefore enacted by the authority aforesaid, that within twenty days after the publication of this Act, the clerk of the markets of this island shall and is hereby required to hire annually two able men, who shall be allowed and paid out of the public treasury of this island the sum of fifteen pounds, current money of this island each per annum; and such persons to be appointed shall have full power and authority to apprehend any Negro or Negroes that come into the said town to sell or dispose of any goods or commodities whatsoever without being licensed as aforesaid, either by having some white person with them or a metallic collar on his neck or leg, and shall also diligently inspect the tippling-houses, huckstering-shops, markets, and all other suspected places within or near the said town; and in case they or either of them shall find or know of any white person or persons that shall trade, barter, or any ways deal with any Negro or Negroes, they shall proceed against such person or persons as before in this Act is appointed, and in like manner against all Negro or Negroes: and for the more strict performance of the duty required of the persons to be appointed as aforesaid, they shall before they enter upon their office appear before any one of Her Majesty's justices of the peace within the town aforesaid, and take the following oath—viz: I, A. B. do sincerely promise and swear, that I will diligently and carefully perform the duty of me required by an Act of this island, entitled "An Act to prohibit the Inhabitants of this island from employing their Negroes and other Slaves in selling or bartering," and I will use my utmost endeavours to discover and make known all such person or persons that shall any ways deal or trade with any Negroes or other Slaves, and as often as I shall discover or know of any such, I will inform one of Her Majesty's justices of the peace

And shall also inspect the tippling houses, huckster's shops, markets, &c., and if they know of, or find any white person trading as aforesaid, shall apply to a justice of peace.

See Cl. 4, 5, and 6.

The oath to be taken by the clerk of the market, and his deputies, before they enter on their office.

thereof, and will prosecute all such person or persons to the utmost of my power. So help me God."

Clause 9. Penalty on the justice's refusal to act herein.

And be it further enacted by the authority aforesaid, that if any justice of the peace within this island (the members of Her Majesty's council excepted) shall refuse doing and performing all or any of the matters and things enjoined him by this law for the space of six days after any complaint shall be made to him, such justice shall forfeit to Her Majesty to and for the use of the party grieved, the sum of ten pounds, current money, to be recovered before the next justice of the peace to the party complaining as in case of servants' wages, and be made incapable of serving in such post or office for the future.

Passed the 6th day of January 1708.

7.

(No. 117.) An Act to secure the peaceable Possession of Negroes and other Slaves to the Inhabitants of this Island, and to prevent and punish the clandestine and illegal Detenue of them.

Preamble. The first part of cl. 5, 6 to 23, 27, 28 and 34, respects the manner of bringing actions for Slaves in the court of law, and the method of proceeding, &c.

FORASMUCH as the estates and plantations of this island are chiefly managed and supported by the labour and service of Negroes and other Slaves, and therefore are equally valuable to the inhabitants as lands, and ought to be under as great regard and security in law; and that what shall be adjudged a lawful possession of them may be ascertained; and that all private, concealed, covert, clandestine, cunningly designed, and illegal possessions may be duly punished, and for the future prevented: Be it enacted by his Excellency Mitford Crowe, Esquire, Her Majesty's Captain General and Governor-in-chief of the Island of Barbadoes, St. Lucia, Dominica, St. Vincent, and the rest of the islands, colonies, and plantations im America, lying and being to windward of Guadaloupe, which now are, or hereafter shall be under Her Majesty's subjection and government, &c., the honourable the members of Her Majesty's council and the General Assembly of this island, and by the authority of the same, that all and every person and persons whatsoever who have had an open, clear, free, and notorious possession of any Negro or Negroes, Slave or Slaves, for the space of three months together before the date of this Act, accounting only eight and twenty days to each month, and who gained such possession legally by due course of law, sale at public outcry, descent, or became seized as executor, administrator, attorney, manager,* renter, or other lawful power and authority, and have not procured such possession privately, designedly, cunningly, obscurely, or fraudulently, shall be always deemed, taken and adjudged, and is hereby declared to have a legal and just possession against all persons whatsoever to hold any Negroes or Slaves until a full and legal recovery shall be had and obtained; and in case where Negroes and Slaves are newly imported, to be employed or sold in this island, the importer, whilst he keeps them for his own use, and also the first purchaser when here sold, shall be deemed, allowed, and adjudged to have a legal possession, equivalent to three months, though such Negro or Slave have not been here so long: Excepting and always provided that all and every person or persons who have any just right to such Negroes or Slaves, is, nor shall be by this Act, nor anything therein contained, barred, or foreclosed, injured, or prejudiced in the just recovery of his legal right to such Negro or Negroes, Slave or Slaves, by due course of law or equity; and all other possessions which shall not be in manner as before is expressed, without covin, contrivance, unjust design, or fraud, are hereby declared and shall be adjudged on legal possession, and a concealing, harbouring, and unjust detaining contrary to law, and the true intent and meaning of this Act.

Clause 1. An open free and notorious possession three months, by some lawful means, shall be a legal and just possession. See cl. 20, and the proviso at the end of this clause.

Slaves newly imported, the importer whilst he keeps them for his own use, and the first purchaser, shall have a legal possession equal to three months.

Proviso. That such as have just right, be not barred a recovery at common law, or equity.

What shall be deemed an illegal and unjust possession, adjudged a detaining.

Clause 2.

And therefore be it enacted, and it is enacted, ordained, and declared by the authority aforesaid, that if any person or persons from and after the pub-

* A renter here, I apprehend, is such an one who holds by lease. See clause 19.

lication of this Act shall knowingly maintain, keep, harbour, conceal, or detain any Negro or Negroes, Slave or Slaves in such secret, clandestine, and illegal manner as aforesaid, all and every such person or persons who is or are in such case injured or grieved, and have or shall have their Negroes or Slaves so detained from him, her or them, are hereby fully empowered to make his, her, or their complaint to any of the two nearest or neighbouring justices of the peace (one whereof to be of the quorum) to the place of the habitation of the complainant; which complaint is to be expressed in writing under the hand of such complainant in order to the said justices making a record thereof as well as other the proceedings thereon, which said justices are hereby, and by the authority aforesaid, required and empowered, within two days at furthest after the time of such complaint to issue a warrant or warrants under their hands and seals containing the substance of such complaint, to any sworn constable, requiring such constable thereby strictly to summon such person or persons so complained of to appear before them within four days at furthest to make answer to such complaint, and also to summon all and every person or persons whom the complainant shall allege can give evidence in the matter of complaint, who are hereby enjoined to declare the whole truth of their knowledges in the matter complained of; and the said justices are hereby empowered and required to grant their warrant or warrants to search for and apprehend such Negro or Negroes, Slave or Slaves, as shall be so complained for and illegally detained, to the end they may view the said Slave or Slaves; and that it may be as it is hereby declared to be in the power of the said justices to order and deliver the possession of the said Negro or Negroes, Slave or Slaves according to the appointment and intent of this Act, on due and legal proof thereof before the said justices by the oath of one or more credible witnesses, that the Negro or Negroes Slave or Slaves complained for have before the time of such complaint made, been in the lawful, quiet, and peaceable custody and possession of the complainant or complainants for the time and space of three months, and in such legal manner as herein-before is mentioned and expressed, and that the party or parties complained of have in an unjust and unlawful manner maintained, kept, harboured, concealed, or fraudulently detained such Negro or Negroes, Slave or Slaves, contrary to the intent of this Act, or have not come to the possession of the same by some lawful or warrantable way or means, (although it shall appear to the said justices that the time of such unlawful detinue as aforesaid, do or shall exceed the time and space of three months), then and in such case such justices shall adjudge the party or parties so complained of, guilty of an illegal detention contrary to the intent and meaning of this Act; and the party and parties so found guilty, shall pay to the complainant or complainants for every day or any part of a day which the offender or offenders shall be proved and adjudged to have unlawfully detained each and every such Negro or Negroes, Slave or Slaves, the sum of five pounds sterling money, and so proportionably for a longer time, provided the said penalty doth not exceed one hundred pounds sterling: And the said justices are hereby further empowered and required strictly to command and enjoin the said offender or offenders, to deliver and restore to the complainant or complainants, and into his, her, or their safe possession, each and every such Negro or Negroes, Slave or Slaves, and in default or refusal thereof, to forfeit and pay the sum of two hundred pounds sterling, for every such Negro or Slave so detained as aforesaid; and in case any such offender or offenders do not obey the order, sentence, and judgment of the said justices as to the payment of the said penalty, and restoring the Negro or Negroes, Slave or Slaves so detained, then the said justices are hereby empowered and required forthwith, after such judgment by them given, to issue execution under their hands and seals pursuant to the judgment aforesaid against such offender or offenders, and every of them, as well for the penalty aforesaid, as for the said forfeiture of two hundred pounds sterling for every Negro or Slave so as aforesaid detained, and that shall not be forthwith restored to the complainant in manner aforesaid, which execution is to be directed to any constable within the parish where the complaint shall be made, who is hereby empowered and required to levy the same, and proceed therein in

Complaint to be in writing, and to the two nearest justices, who are within two days to issue their warrant commanding the defendant's appearance within four days.

And to summon witnesses at the instance of the plaintiff.

Warrant of search to be issued for the Negroes complained for.

Justices to order possession, according to this law.

What shall be sufficient proof of a detinue. See Cl. 1. & 8.

Justices to adjudge the penalty of five pounds per day, or any part of a day,

provided it not one hundred pounds, and to order the Negroes to be restored.

On refusal the justices to issue execution for two hundred pounds for every Negro so detained.

Execution to be directed to any constable in the parish where the complaint is made, to levy and proceed as at common law, and to receive the same fees as marshals do.

like manner as the marshals of the Courts of Common Pleas in this island are empowered to proceed upon executions at common law, and the constables in this case shall and may receive the like fees as the marshals of the Courts of Common Pleas in this island are by law empowered to demand and receive; and the said justices are hereby further required upon request of either of the parties, complainant or defendant, to give them or each of them a fair and full copy of all their proceedings, containing the complaints, proofs, orders, judgments, and executions at large under their hands and seals, for which the party desiring the same shall immediately pay the sum of ten shillings, together with five shillings more when the said copies shall be fully complete and perfected, and delivered to him. Provided nevertheless, that if any Negro or Negroes, Slave or Slaves adjudged or ordered to be delivered or restored to the complainant or complainants as aforesaid, shall happen to die a natural death between the day of complaint, and the time that the judgment shall be given as aforesaid, and duly made appear by any legal witnesses, such offender shall not be liable to the forfeiture of two hundred pounds sterling aforesaid, any thing in this Act contained to the contrary notwithstanding.

Upon request of either of the parties, justices are to give copies of proceedings under their hands and seals.

Proviso— In case of Negro's death between the time of complaint and the judgment given, then the offender not liable to the forfeiture of two hundred pounds. Vide Clause 9.

But forasmuch as such secret, clandestine, and illegal declaiming of Negroes and Slaves are not easily discovered for want of legal evidence: Be it therefore enacted and declared by the authority aforesaid, that every such complainant or complainants so grieved, if they have not sufficient evidence to prove such detinue at all, or that they can prove but part of the number of Negroes and Slaves that have been detained, then and in such case, the said justices are hereby fully authorized, empowered, and required to examine the party or parties complained of upon oath or legal affirmation (if Quakers) requiring them and each of them to declare the truth concerning such complaint (in case of failure of other witnesses); and if upon such oath or affirmation it shall appear to the said justices that such a Negro or Negroes, Slave or Slaves, have been illegally detained, then such justices shall order such Negro or Negroes, Slave or Slaves, to be restored in manner aforesaid; but if the party or parties so lawfully summoned, and returned so to be upon oath of the constable (except in case of extraordinary sickness so as to disable him, her, or them), shall neglect or refuse to appear, answer, discover, or declare upon oath or legal affirmation as aforesaid, to such questions as shall be asked and demanded concerning the detaining such Negro or Negroes, Slave or Slaves so complained for, it shall be taken *pro confesso* that such Negro or Negroes, Slave or Slaves, have been illegally detained; and the said justices shall give judgment accordingly, as if such detention had been otherwise fully proved: And in such case where the offender's oath is required, the said justices are hereby authorized and empowered to adjudge such damages as they in their consciences do believe have been sustained by the complainant or complainants for every day that such Negro or Negroes, Slave or Slaves, have been so illegally detained according to the value of the service of such Slave or Slaves, which damages when so adjudged, the said justices shall order the offender or offenders forthwith to pay to the complainant or complainants; and upon the refusal of the offender or offenders to pay the same, the said justices shall grant execution in manner aforesaid only for such damages so ascertained, and the same is to be levied in manner aforesaid, not exceeding the sum of two shillings sterling money per day, for each Negro, and shall likewise order and put the complainant in possession of the said Negro or Negroes in manner, and under the penalty of two hundred pounds for each Negro or other Slave as aforesaid: But if such complaint shall appear to be vexatious, then the said justices shall tax reasonable costs for the defendant against the said complainant or complainants not exceeding the sum of five pounds sterling money, and in case of non-payment thereof within ten days, execution to issue and be levied in manner aforesaid.

Clause 3. Upon insufficient evidence, the defendant compelled to answer upon oath. See Cl. 14.

Justices to order the Negro to be restored if proof is made of the detention.

Defendant refusing to answer, it shall be taken *pro confesso*.— See clause 30., if evidences refuse to appear or answer.

Where the defendant's oath is required, the justices to adjudge only the damages,

which shall be paid forthwith, or execution to issue, and be levied;

but not to exceed two shillings per day, and to put the complainant into possession.

Complaint appearing vexatious, the justice to tax costs for the defendant not exceeding five pounds; if not paid in ten days execution to issue and be levied as aforesaid.

And be it further enacted by the authority aforesaid, that if any person or persons, who, on any sale at outcry of any goods, chattels, or other effects, by virtue of the Act, shall happen to be the greatest bidder, shall not pay the sum by him, her, or them, bid at such sale at outcry, within twenty days, then and in such case the justices of the peace before whom

Clause 4. Purchasers on outcrys to pay the sum bid within twenty days. Vid. No. 29. cl. 4.

the first complaint was made, shall, and they are hereby empowered and required to issue a writ of twenty per cent. against the person or persons who fails in payment, in the same manner as is appointed on sales at outcry by virtue of any proceedings in the Courts of Common Pleas in this island.

On a writ of twenty per cent to issue against them.

Clause 5.

Persons claiming right to any Slaves, may bring actions against those who have the possession, except overseers who hold for others.

And for a more speedy recovery of Negroes and Slaves by suits at the common law: Be it enacted and ordained by the authority aforesaid, that all and every person or persons who shall lay any claim to the right, property and inheritance of any Negro or Negroes, Slave or Slaves, shall and may lawfully bring his, her, or their suit or action against any person or persons who have possession of any Negro or Negroes, Slave or Slaves, except overseers and managers who have Negroes and Slaves under their charge in the right of others, who by the intent of this Act,.are not deemed to have the right of possession, but their master or mistress, or those who represent them, and are the persons deemed liable to be sued in such manner as other persons hereinbefore mentioned, in the Court of Common Pleas, held for the precincts where such defendant lives; and in case they have no certain habitation of their own, then the action shall be served in the most usual or common place of abode ten days at the least before the setting of the said court; and upon legal return of such service, the judges of the respective Courts of Common Pleas aforesaid, are hereby fully empowered, authorized, and required in all such cases to proceed to trial and give judgment, the first court after a full and perfect issue shall be joined, and the cause made fit for trial or judgment, either in matter of law or fact: Provided always, that in case the owner of any plantation, or his executors or administrators are not in this island, and have no attorney or attornies here, then the agent or chief manager, or overseer of such plantation, shall be prosecuted, examined, and awarded against, for unlawfully detaining of such Negroes, as all other persons are by this Act, and so he* shall be if he unlawfully detain and keep any Negro or Slave belonging to any other person without the express order of his master or employer.

Where such actions shall be brought and how served.

Method of the courts proceeding thereon See cl. 7 and 11.

Proviso.

In what cases overseers are liable.

Clause 6.

Plaintiff to leave in the clerk's office, on filing his action, all papers, &c. or attested copies relative to the action.

And for the more speedy bringing all such actions which any ways relate to Negroes for trial and judgment: It is hereby enacted and ordained by the authority aforesaid, that every plaintiff or plaintiffs, when he, she, or they, file their declaration in the clerk's office of the Courts of Common Pleas, shall leave in the said office, with the clerk, all such powers or letters of attorney, letters testamentary, or administration, or guardianship, deeds, and writings, or legal attested copies thereof from some office of record, as are any ways mentioned in the action or actions filed, and whereof profert is made, to the end the defendant or defendants may have a view of the same, the better to enable him, her, or them, to plead within the time limited and prescribed by this Act; and after any plea of abatement shall be filed in the said office, then the plaintiff or plaintiffs may take all such writings and papers from the said clerk into his or their custody.

And after a plea of abatement is filed, he may withdraw them again.

Clause 7.

Plea in abatement to be filed in four days after service, and agreed the first court.

And it is hereby further enacted, ordained, and declared by the authority aforesaid, that in case the defendant shall plead in abatement to such action, such plea shall be filed in the office of the said court in four days after due service thereof, that the plaintiff may take a copy thereof, which plea of abatement shall be called and argued the first court after the filing of the same; and if such plea shall be overruled by the court, then the defendant shall plead issuably, or in bar, or demur, fourteen days at furthest after the last day of the court, that such plea of abatement shall be overruled and filed in the said office, that the plaintiff may have copies thereof, in order to join issue, reply, or demur; and if it shall so happen that further special pleadings shall be requisite to complete any cause for trial either by the court or jury, then it shall be in the power or discretion of the court to give the plaintiff or defendant a rule, not exceeding fourteen days, in any necessary case where further pleadings is required, having due regard not to suffer any dilatory pleadings or continuances, but that all actions relating to the right or property of Negroes, be every court first called and proceeded upon with all expedition, as far

If overruled, the defendant to plead issuably in bar and demurrer, in fourteen days after the court.

Where further pleadings are necessary, the court may give a rule not exceeding fourteen days, but not suffer any dilatory pleadings or continuances.

Negro actions to be first proceeded on, at every court.

See Clause 5 and 11.

* The Overseer.

forth as the cause will admit of, until a full, just, and final sentence shall be given.

Clause 8. What shall be sufficient evidence where the names of Negroes are unintelligible, &c

And because it hath been very difficult to prove a right to Negroes, their names many times being unintelligible, and many going under two names, and others under one and the same name: Be it therefore enacted by the authority aforesaid, that if the evidence proves the Negroes declared for, to be such Negroes as have been, or are commonly deemed, known, or taken to be the Negroes or Slaves of the plaintiff or plaintiffs, unless the defendant shews a more clear right and proof paramount to the Negro or Negroes, Slave or Slaves in question, that then and in such case such Negroes and Slaves shall be deemed and judged to be sufficiently proved under such proof as aforesaid, any thing in this law, seeming to the contrary notwithstanding.

Clause 9. What shall be the jury's verdict, or the plaintiff's recovery.

Execution to issue thereon in fourteen days.

And be it further enacted by the authority aforesaid, that upon every action of detinue, if the plaintiff or plaintiffs make recovery, the verdict shall be that the defendant or defendants deliver into the possession of such plaintiffs such Negro or Negroes, Slave or Slaves, or for each and every one of them, the sum of two hundred pounds current money; and if such defendant do not perform the same in fourteen days after judgment of the said court upon the said verdict, the said plaintiff or plaintiffs may take out execution against such defendant or defendants, and levy the same upon any of their estates, either real or personal, and for want thereof, upon their bodies; and the manner of the proceedings, as to the levy or capias, to be executed by the officers of the said Court of Common Pleas, according to the methods of such courts. Excepted always if such Negroes or Slaves, or any of them, shall happen to die a natural death between the date of the judgment and the execution, then and in such case the defendant shall not be compelled or be liable to pay the said penalty of two hundred pounds current money, anything in this law to the contrary notwithstanding.

Proviso— When Negroes die a natural death, between the date of the judgment and execution. See the latter of the 2d Clause.

Clause 10. After recovery the plaintiff may have an action of damages.

And that there may not be any encouragement to keep and detain Negroes when the persons so keeping them know they have no right: Be it therefore enacted by the authority aforesaid, that after such recovery is made, the plaintiff may have his, her, or their action or actions for the damages by him, her, or them sustained.

Clause 11. All Negro actions to be first put on the Court List. Vide Cl. 7. Penalty on officers in cases of corruption.

And be it further enacted by the authority aforesaid, that all actions relating to the property and right of Negroes, and the pleadings to them, shall be put first upon the list, and called for trial as the same shall severally be, according as they are entered; and if it appear that the officers, or any of them, be guilty of any corruption either by neglecting to give timely summons, or in summoning of juries, or wilfully fail in their duty by giving wrong copies of records, misplacing such actions on the list, or otherwise, then such evil practices being duly and legally proved before the said court, or the major part thereof, the said officer shall be displaced and for ever rendered incapable of the said office, and be further liable to the damages sustained by reason of such misfeazance.

Clause 12. Writs of error and injunctions to be before judgment, or in fourteen days after. Exceptions. Writs of error to be first put on the list.

And be it further enacted by the authority aforesaid, that all writs of error on Negro actions shall be brought within fourteen days after judgment given at the common law, or after any judgment given upon a complaint before any justices of the peace, and also all injunctions which shall be necessary and allowed by the chancellor, shall be brought before judgment, or within fourteen days after, persons beyond sea, femmes couvertes, and infants excepted, and all writs of error which shall be brought on Negro actions shall be put first on the list of error.

Clause 13. No Negro action or complaint shall abate by the death or absence of the plaintiff, but the representatives admitted parties to the record, and allowed one month's time to prosecute such action or complaint

And be it further enacted by the authority aforesaid, that in all proceedings relating to the possession or detention of Negroes or other Slaves before the justices or property before any of the judges of the respective Courts of Common Pleas in this island, no action, Bill, complaint or any other proceedings where there is but one plaintiff, shall fall or abait either by death or absence of any one or more, or all of the said plaintiffs to the action or complaint, but those who have the right of representation either as heirs, guardians, executors, administrators, or attorneys, such qualifications being produced upon record, shall be admitted and made party or parties to the

record by the rule or order of the judges or justices before whom the complaint or action lies, and such person or persons so admitted party or parties shall have one month's time after such their admittance, that they may have due time to prosecute the interest of the person or persons whom they represent, neither shall such action fall by the death of any or all the defendants, but such action or complaint shall go on and be maintained against any the representatives of such defendant or defendants, or such person or persons as shall have the Negroes or Slaves demanded in their possession, and such representative of the defendant or person or persons who have the said Negroes in their possession, shall be made parties to the said complaint or action in manner aforesaid, to the end they may have due time to defend the interest of themselves or the persons they represent.

Representatives of the defendant also admitted ut supra.

Clause 14.

It shall be sufficient for the plantiff to prove the Negroes were in the defendant's possession at the time of bringing the action, or within ten days before,

unless the defendant deliver the Negroes in ten days after the complaint made.

On any difficulty to prove the possession the plaintiff may complain to two justices, for discovery on the defendant's oath. See Clause 3.

Justice's certificate shall be sufficient proof to the jury.

And be it further enacted by the authority aforesaid, that if the defendant or defendants in any action in any of the Courts of Common Pleas within this island, shall plead that such Negro or Negroes, Slave or Slaves, are not in their possession, then and in such case, it shall be sufficient for the plaintiff or plaintiffs, to prove by one or more legal evidence or evidences to the jury, that such Negro or Negroes, Slave or Slaves, were in the possession of the defendant either upon the day of the action brought, or within ten days before the action brought, provided the defendant hath not delivered unto the complainant the Negroes so complained or sued for within ten days after complaint; and if the plaintiff or plaintiffs find any difficulty to prove the possession in part or in the whole, then complaint may be made as aforesaid to the two nearest or neighbouring justices to the complainant, who are hereby required to proceed in manner aforesaid, for discovery of the possession by or upon the oath of the party or parties so complained of; and if upon such complaint or examination any time of possession of any Negro or Negroes, Slave or Slaves, shall be proved, then a certificate of the time of such possession under the hands and seals of the said justices, shall be sufficient proof to the jury, to find for any plaintiff or plaintiffs, commencing their action or actions in manner aforesaid.

Clause 15.

Tenant in dower sending off any Negro without consent of party in reversion, &c. the party in reversion may enter and take possession of all other the Negroes and estate held in dower, the same being thereby forfeited.

Husband of the widow in dower, sending off or selling any Negro, party in reversion, may enter into and enjoy all the estate held in dower during the life of the husband.

And be it further enacted by the authority aforesaid, that if any widow seized of any Negro or Negroes, Slave or Slaves, of the dower of her husband shall send off, or any ways directly or indirectly consent to the sending off this island, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they or any of them are sent off this island as aforesaid, without the lawful consent of him, her, or them, in reversion or remainder being of full age, and also of the executor or administrator, where they are liable to the payment of debts for want of other effects, then, and in such case, it shall and may be lawful for him, her, or them, in reversion or remainder, or the executor or administrator, and every of them, or those who have any trust lodged in them for the use of any other, to enter and take possession of such Negro or Negroes, Slave or Slaves, and all other the estate which she holds of the dower of her husband, the same being forfeited by the sending off or disposing of such Negro or Negroes, Slave or Slaves, by this Act; and further, if any such widow shall marry an husband who shall send off, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they are sent off as aforesaid, without the lawful consent of him, her, or them, in reversion of the trustees as aforesaid, and every of them, then, and in such case, the person or persons who have the reversion, shall and may enter into and enjoy all and every the estate which the said husband holds in right of his wife as her dower, whereof such Negro or Negroes is or are part or the whole, for and during the life of her husband.

Clause 16.

Negroes in dower sent off, being of greater value than the remaining estate held in dower, party in reversion to have an action at common law against the offender, for treble the value of the Negroes sent off.

And that it may fall out that the Negroes and Slaves sent off as aforesaid, or disposed of, may be of greater value than the estate that such person or persons in reversion or remainder, or as executor or administrator can find to enter upon, so that there may be a great defect of a just remedy in such a case: Be it therefore enacted by the authority aforesaid, that the person or persons in reversion or remainder, shall and are hereby empowered to have an action or actions at common law against the widow and against the husband, for the recovery of treble the full value of such Negro or Negroes so sent off or disposed of as aforesaid, out of any other estate of her said husband.

Clause 17. Interruptions on entries, for any forfeitures; the party injured to have remedy at common law.

And also that it is not hereby provided, that if such persons in reversion or remainder, or an executor or administrator, be interrupted in their entering upon such estate forfeited as aforesaid, how they shall be remedied: Be it therefore enacted by the authority aforesaid, that every person or persons so injured as aforesaid, shall and is hereby fully empowered to bring an action or actions at the common law, for the recovery of such forfeited estate, be the same land, buildings, Negroes, or Slaves, or the value thereof, against any person or persons who shall impede, molest, or interrupt any such person as aforesaid, from taking or entering on any the estate hereinbefore mentioned;

Recoveries at law to be levied on any estate of the offender, as in the Courts of Common Pleas. See Clause 5, 7, and 11.

the said recovery to be levied on any the estate real or personal against whom such recovery shall be had and obtained according as is appointed by the Acts relating to the Courts of Common Pleas, which action or actions shall be tried within the same time and under the same rules and penalties in the proceedings as is provided for the recovery of Negroes as aforesaid.

Clause 18. The same proceedings and penalties against tenants for life, as tenants in dower.

And be it further enacted by the authority aforesaid, that the same proceedings shall be had and made against all persons that are possessed of Negroes or other Slaves, for and during their natural lives or the life of another, if they or any of them shall send off or sell any such Negro or Negroes, Slave or Slaves, or dispose of them so as they are sent off this island, and be under the same forfeiture to all intents and purposes as the

Tenants for life or dower, wilfully destroying or disabling such Negroes, to pay treble their value to the party in reversion.

widow and husband lie under as aforesaid; and if any person or persons so holding any Negro or Negroes, Slave or Slaves, either in dower or for term of his or her own life or the life of another person, shall wilfully destroy, maim, or disable any Negro or Slave so held, shall pay treble the value of such Negro or Slave so destroyed, maimed, or disabled, to the person or persons in reversion or remainder, or to his or their lawful representative, to be recovered against such offender or offenders in damages in the Courts of Common Pleas where such offender lives, and be liable to be sued there for the same at any time after the said offence is committed.

How and where recoverable.

Clause 19. Method of bringing actions for Negroes or their value.

And be it further enacted by the authority aforesaid, that all Negroes and Slaves, or the value thereof, shall be sued for, and tried by action of detinue, writ *de partitione facienda*, action of trover and conversion, trespass, or of dower, as the case shall require, and by no other writ or action whatsoever; and all proceedings to and upon such action of detinue, partition, or of dower, shall be in the same manner as hereinbefore is expressed and appointed: but as to trover and trespass, the proceedings shall be after the accustomed method of the common law. Provided always, and it is the true intent and meaning of this Act, that the complainants in partition or dower are not to recover any penalty or damages, upon such actions, against the defendants for the time the complainants have been out of possession, other than what may accrue to them from the commencement of their right, which they may sue for by due course of law. And it is further provided, that this Act, or anything herein contained, shall not extend to any person or persons whatsoever, that hath or shall lend any Negro or Negroes, Slave or Slaves, or let any such for any time or term of years, or for a shorter time, whose leases or agreements are expired, nor to any attorney, overseer, or other person who came by the possession of any such Negroes or Slaves, by act or consent of the claimers, or by some persons by, from, or under him, her, or them, and whose possession appears clearly to be but a bare trust; for and in all such cases the party or parties who makes the claim shall be put into possession of such Negroes or Slaves, by the said justices, in manner and form aforesaid; and the same proceedings are to be had in case of refusal, as if an illegal detention, anything in this law seeming to the contrary notwithstanding: And in all cases where any Negro or Negroes, Slave or Slaves, unlawfully detained, are or shall be lent, rented, or hired out, the borrower, renter, or hirer, shall not incur or be subject to the penalty of five pounds per diem, but the person lending, renting, or hiring out shall be liable and subject to the same only, and be levied upon for it accordingly.]

See Cl. 5, 7, and 11. Exceptions as to trover and trespass.

Proviso— Plaintiff's partition or dower, not to recover any penalty or damages, on actions, where the defendants are out of possession.

Proviso— This Act not to extend to lender or letter of Negroes for any time expired; nor to any overseer, &c. who, by consent of the claimer, come legally into such possession, as appears clearly a bare trust. But in all such cases the claimant to be put into possession by the justices, and the same proceedings to be had in case of refusal, as for an illegal detention.

If any person who detains a Negro unlawfully, and hires him to another, he that so detains and hires out shall be liable to the penalty, and not the person to whom he is hired.]

And forasmuch as many times guardians, executors, and administrators, by connivance and fraud, do suffer Negroes under their trust to be undersold, and often buy such Negroes themselves, or contrive that they be bought for them, to the great loss of orphans, creditors, legatees, and all con-

cerned, such Negroes being sold oftentimes for half their worth, even to the ruin of the plantations to which they belong, and this many times when there are other effects, by which means such Negroes might be preserved: Be it therefore enacted by the authority aforesaid, that if any guardian, executor, or administrator, shall consent or agree with any marshal, officer, creditor, or other person, to have any Negro or Negroes, or other Slave or Slaves belonging to the estate which they or any of them have in trust as aforesaid, to be extended or sold at outcry, or suffer or permit any such Negro or Negroes to be sold at outcry, when there are other effects, personal estate of the deceased liable to the payment of any such debt, in such case the said guardian, executor, or administrator, and every or any of them so consenting or agreeing, suffering, or permitting, shall be, and are hereby respectively, liable to the forfeiture of fifty pounds current money of this island, for each and every Negro or other Slave so extended or sold at outcry to Her Majesty, her heirs and successors, to the use of the party grieved.

Clause 20.

Guardian, executor, or administrator agreeing with marshal, &c., to have Negroes sold at outcry, or permitting the same where there is personal estate subject to the debt, forfeits fifty pounds to the party grieved.

Vid. oath of an executor, &c., p. 173.

And be it further enacted by the authority aforesaid, that upon all outcries of Negroes there shall be twenty days for redemption, as in case of land, and until the expiration of the said twenty days no property shall be transferred to the purchaser, who shall not be obliged to pay his money for the Negroes purchased until the expiration of twenty days, any law or statute to the contrary notwithstanding; and during the said twenty days, the Negroes so purchased shall remain in the hands of the purchaser, he giving security in double the sum which the said Negroes sold for, to re-deliver them to the marshal, if the person or persons from whom they were attached, or their executors, administrators, or assigns, or the person that hath the title of the said Negroes, shall, at any time within the said twenty days, make due tender of, and pay unto the marshal that outcried them, or his lawful deputy, the full value of the outcry and his lawful charges, in which case such purchaser at outcry, shall deliver back all the Negroes and Slaves so bought and redeemed unto the said marshal, who shall forthwith deliver them to the person or persons that shall so redeem them; and if the purchaser shall refuse on such demand of the said marshal to deliver them to him, then such person so refusing shall, from the day of such refusal, be deemed and adjudged an unlawful detainer of the possession of all such Negroes and Slaves, and be in all respects subject and liable to be prosecuted for the same before the two next justices, and suffer the penalties provided for in this Act. Provided nevertheless, that if any of the said Negroes shall die a natural death between the time of their being outcried and the said demand of the said marshal, in order to his restoring them to the person so redeeming them, the said purchaser at outcry shall suffer no damage or loss by such death, and shall be liable to deliver back such of them only as are living at the time of such demand made by the said marshal; but if the said Negroes so purchased at outcry are not redeemed within the said twenty days, then the right and property which the debtor had in such Negroes and Slaves shall divest and be settled in the purchaser, and the said marshal shall pass his bill of sale for the same accordingly, and then demand and receive the full value of the outcry from the purchaser, for the use of the creditor, which if the said purchaser shall refuse to pay at that time, he shall be subject and liable to such penalties and forfeitures as are hereinbefore appointed for such as neglect or refuse to pay for any effects bought at outcry, and shall be proceeded against accordingly.

Clause 21.

Twentydays' redemption on all outcries of Negroes, as in case of land before the property is transferred to the purchaser, or he obliged to make payment, and during the twenty days the Negroes shall remain in the hands of the purchaser; but he shall give double security for re-delivery to the marshal, in case of redemption. See also No. 28, Cl. 10.

On refusal thereof, such person to be deemed an unlawful detainer, and subject to the penalties of this Act.

Proviso—

Where Negroes die a natural death between the time of outcry and the marshal's demand for re-delivery.

If no redemptions made in twenty days, the property to be settled in the purchaser. See No. 28, Cl. 10.

And the marshal to give a bill of sale, and then demand the value of the outcry, which shall be immediately paid, or the purchaser liable to the penalties in this Act, on outcries. See Clause 4.

And be it further enacted by the authority aforesaid, that for the better preserving Negroes on estates in this island, and keeping them entire together from ruin by the recovery of legacies left by testators, and just debts due from their estates, which might with more ease be paid, without injuring any person concerned, by having a little longer time for the payment of such debts or legacies after they shall become due, it shall and may be lawful for any executor, administrator, or other person in trust, not having sufficient effects in his or their hands belonging to the testator, or the estate that he or they are intrusted for to pay and satisfy, or cause to be paid and satisfied, any legacy or just debt, after the same shall become due, from the estate, that the Negroes may be preserved on the plantation, and prevented from being levied on and carried from it, which would inevitably ruin the same,

Clause 22.

Where the effects are not sufficient to pay debts and legacies the executor, &c. may discharge them to prevent the Negroes being sold, and the estate shall remain a security for the sums so advanced, with interest thereon at 10 per cent, until the same be fully satisfied.

and put it out of a capacity of recovering itself again, and what money any executor, administrator, or other person in trust, shall pay or satisfy, or cause to be paid and satisfied for the discharging such legacies and debts as aforesaid, the estate shall stand and remain a security for the money paid or satisfied, or to be paid as aforesaid, with interest for the same, at and after the rate of ten pounds per cent per annum, until the same shall be fully paid and satisfied.

And whereas it often falls out that, after the death of any person or persons possessed of Negroes and Slaves, great disputes arise about the title and possession of such Slave or Slaves, so that several persons pretend right to them, and get them many times by indirect means into their several possessions, which proves oftentimes the ruin of the plantations and the persons to whom they really belong, occasioning long and tedious lawsuits, the possession not being hitherto in such cases clearly settled, so that the justices of the peace may so safely proceed as the case requires: Be it therefore enacted by the authority aforesaid, that where any person or persons whatsoever shall die seized or possessed of any Negro or Negroes, Slave or Slaves, as aforesaid, the executor or executors, administrator, trustee or trustees of such persons, shall have the benefit of this law, to have such possession for and in behalf of the person or persons that have just right to them, or any of them, for preserving of them until the title of such Negroes and Slaves is settled and determined by due course of the common law or otherwise; and the said Negroes shall continue on the plantation of the party deceased until legally recovered by some person rightfully claiming: Provided always that the advantages accruing for the work of such Negroes and Slaves be not misapplied by such executors, administrators, or trustees, but they and every of them shall be accountable to the person or persons in whom the title is found good.

Clause 23.

Persons dying possessed of Slaves, their executors, administrators, or trustees, shall have the possession, in order to preserve them, until the title shall be determined.

Proviso—That they account for the Negro's work with the right owner.

Clause 24.

When any Negro shall be executed, the justices, &c. shall inquire if any person is entitled to reversion, and give certificate, inserting the value thereof to be paid by the treasurer, after the party injured is satisfied.

Vide No. 82, Cl. 15.

And the surplus to the person having a present estate in such Negro.

The inquiry to be on oath of the party demanding satisfaction before such certificate is granted.

And be it further enacted by the authority aforesaid, that when any Negro or Negroes, Slave or Slaves, shall hereafter be executed, and the justices and freeholders, or field officers, shall have certified the values of such Negroes or Slaves as the law directs, then, if any person or persons have any right or title to a reversion or remainder in such Negroes or Slaves, the same shall be, by the said justices and freeholders, inquired into upon immediately after the trial, and the value of such reversion or remainder, after the party injured is paid, shall be by them set and inserted in the certificate, and awarded to such persons as those who represent them, and shall be by the treasurer of this island, accordingly, paid out of the whole value of such Negroes or Slaves, the other part being due to such person or persons who have a present estate in such Negroes or Slaves; the aforesaid inquiry to be made upon the oath of the party that demands satisfaction, to be administered unto him by the said justices or field officers, who shall have no such certificate granted unto him until he shall swear whether there be a reversion, and in whom the reversion (if any) is.

Clause 25.

Commander of a ship or mariner carrying off any Slave without the owner's consent, to forfeit two hundred pounds, and for every Slave attempted to be carried off fifty pounds, to the owner of such Slave, to be recovered by action of debt, in any Court of Common Pleas.

Vide No. 159, which makes it death to carry off Negroes clandestinely, or even attempting it, as well as the persons aiding, abetting, &c. See also captain's oath, p. 172. If the Slave is carried off, recovery shall be had against the security of such vessel.

Out of which forfeiture, when received,

And be it further enacted by the authority aforesaid, that if any captain, master, or commander of any ship or vessel, or any other mariner or person, shall directly or indirectly carry off, or attempt, cause, or suffer to be carried off this island any Slave or Slaves belonging to the inhabitants of this island without the knowledge and consent of the owner of such Slave or Slaves, shall forfeit for every Slave so carried off the sum of two hundred pounds current money, and for every such Negro or other Slave attempted to be carried off as aforesaid, the sum of fifty pounds of like money to Her Majesty, her heirs and successors, for the use of the owners of such Slave or Slaves, to be recovered by action of debt in any of Her Majesty's Courts of Common Pleas held in this island against such commander, master, or other person so offending; and if any Slave or Slaves as aforesaid shall be carried off, then against the security for such ship or vessel in which such Slave or Slaves shall be so illegally carried off, to which action the defendant or defendants shall plead issuably, and execution thereon to issue and be levied in the same manner as by the laws of this island establishing the Courts of Common Pleas, and proceedings therein is directed and appointed, any law, usage, or custom to the contrary notwithstanding: Out of which forfeiture or forfeitures, after the same shall be recovered and received, the person and persons so recovering and receiving shall pay unto such person or persons as shall inform or make appear

the carrying off or attempting to carry off any Slave or Slaves as aforesaid, one-third part of the sum recovered and received, and upon neglect or refusal so to do, the said third part shall be recovered before the two next justices of the peace to the place where the said owner lives, and execution to issue and be levied as in case of servants' wages is appointed.

the informer to be paid one-third, recoverable as in case of servants' wages.

Clause 26.

Justice's and constable's fees, on complaints of detinue.

And be it further enacted by the authority aforesaid, that for every warrant granted by justices of the peace for detinue of Negroes, from and after publication of this Act, the said justices may demand two shillings and sixpence, and for every evidence summoned seven-pence halfpenny, and no more; but if out of the parish five shillings for the warrant, and two shillings and sixpence to the constable for serving the warrant, and also two shillings and sixpence for summoning each evidence in the said warrant, for every judgment, execution, levying, outcrying, and other process; the same fees to the justices of the peace and constable, as are allowed to the judge and marshal of the Courts of Common Pleas.

Clause 27.

Five years quiet possession without lawful interruption, a good title against all persons, as in case of land. Vide No. 31, Cl. 4.

Proviso—

Except femmes coverts, infants, *non sanæ memoriæ* and absent persons, who are allowed two years after their disabilities are removed to prosecute their titles.

And be it further enacted by the authority aforesaid, that if any person or persons who now is, are, or hereafter shall be, in possession of any Negroes or Slaves, and have quietly, without lawful interruption, possessed the same, either by himself or any other person or persons whatsoever under him, or under any such person or persons whom he, she, or they, shall claim by the space of five years last past, shall have a good right and title to the same, as in case of land, against all persons whatsoever, for and during the estate whereof he, she, or they are possessed, and have right to. Provided always, that this Act be not construed so as to prejudice married women, persons under age of one-and-twenty years, or of unsound memories, or persons absent from this island, who shall prosecute their respective titles within two years after their being unmarried, becoming of full age, or of sound memory, or arriving in this island.

Clause 28.

Persons claiming in time to bring actions within five years, and come to trial, and the same to be conclusive on the plaintiff. The same as to land. Vide No. 50, Cl. 2. This Act may be given in evidence.

And it is hereby further enacted and declared, that all persons whatsoever that shall hereafter make any claim to any such Negroes or Slaves within the time limited by this Act, do by the said action, or some other, if brought within five years, then next after bring the same to trial, and that trial to be conclusive on the plaintiff's part for ever; and never to bring any other action for the same, but to be for ever barred, any law, usage, or custom to the contrary notwithstanding; and it shall and may be lawful for any person or persons to give this Act in evidence on any trial at common law.

Clause 29.

Any judge, assistant justice, or officer, neglecting his duty, shall be forthwith turned out of his place;

and any constable neglecting his duty, to be committed six months without bail, and this Act and the justice's order executed by some other constable.

And be it further enacted by the authority aforesaid, that if any judges or assistants of the respective Courts of Common Pleas, or any justice or justices of the peace, or any officer of the Court of Common Pleas, or other courts concerned in the due execution of this Act, shall refuse or neglect to do and perform their respective duties appointed and required of them, in and by this Act, by delays or otherwise, every such person so offending, upon due proof thereof made before the governor and council, or commander-in-chief and council for the time being, shall be forthwith turned out of his place; and if any constable shall neglect or refuse to do his duty by this Act required, then the said justices of the peace before whom the matter or cause lies, shall commit such constable to the common goal, there to remain for the space of six months without bail or mainprize, and shall further appoint the execution of this law and their order to be put into the hands of some other constable.

Clause 30.

Any person summoned and not appearing, or appearing and refusing his testimony, to be committed for six months without bail.

And be it further enacted by the authority aforesaid, that if any person or persons duly summoned by virtue of this Act, or any person summoned as evidence in any matter or thing relating thereunto, shall refuse or neglect to answer to such questions as shall be required of them, and each of them, or shall not appear according to the legal summons to give in their evidences, all such offenders shall by the judge or justices before whom the matter lies, be forthwith committed to the common goal of this island, there to be kept for six months without bail or mainprize.—Provided, nevertheless, that the members of Her Majesty's council in this island, although they are justices of the peace, are hereby exempted from acting as justices of the peace on complaint of detinue of Negroes by this Act, and from the penalties therein contained for not acting as such, by reason they are judges of all errors, if a writ of error should be brought on any of their proceedings therein; and if any justice of the peace is related to either party complaining or complained of,

rviso —

Councillors exempted from acting as justices on complaints of detinue, and from the penalties of this Act, as they are judges of all errors, if a writ of error should be brought on their proceedings.

Such consanguinity or affinity as is an exception to a juror, shall be a good objection against a justice, before the complaint be heard, but not afterwards.

If such exception be just, the related justice is exempted from hearing the complaint and his fellow justice shall join the next magistrate not related to either party, and determine the cause.

in such nearness of blood or affinity as is a legal exception to a juror in the Courts of Common Pleas, then, and in such case, the justice or justices of the peace may be excepted against by either party, before any hearing be of the matter, but not afterwards; and if such exception be true and just, of which his fellow justice is to be the judge, then shall such related justice be exempted from hearing the cause, and his fellow justice shall join himself to the next justice of the peace of the quorum (if the quorum justice be wanting) not related to either of the parties as aforesaid, and those two justices shall be the proper and lawful triers of the possession of Negroes and Slaves according to this Act, anything herein seeming to the contrary notwithstanding.

Clause 31.

When Negroes are sold at outcry for public levies, &c. the constable or officer selling, to give a bill of sale, reciting all the proceedings.

Which being proved and recorded, shall vest a good title in the purchaser, against the person from whom they are attached.

And whereas it many times happens that Negroes and other Slaves are attached and sold at public outcry, for and towards satisfaction of public levies, parochial taxes, servants' wages, provisions of this country, produce, and for several fines and penalties made and laid on several persons by several Acts of this island, whereon executions are issued forth by justices of the peace, in many of which recited cases, records are not kept, or at least very often mislaid and lost, so that purchasers of Negroes or other Slaves by means thereof, have sometimes lost their right for want of recourse to the records on which such outcry was made: to prevent which evils for the future, Be it enacted by the authority aforesaid, that when any Negro or Negroes, or other Slave or Slaves, shall be attached and sold at public outcry, for any of the causes aforesaid, the constable or constables, or other officer or officers who shall outcry the same, shall be obliged to give the purchaser at such outcry a bill of sale under his or their hands and seals, and therein recite the whole proceedings, and set forth the cause for which such Negro or Negroes, or other Slave or Slaves, was or were so attached and sold; which said bill of sale being duly proved and recorded in the secretary's office of this island, shall vest a good right and title in the purchaser, against the person or persons from whom the said Negro or Negroes, or other Slave or Slaves, shall be so attached, and against every other person or persons who shall claim by, from, or under him, her, or them any law, custom, or usage to the contrary notwithstanding.

Clause 32.

Persons shewing effects not their own, to any marshal, constable, &c., for any demand, other than such as are liable thereto, shall forfeit two hundred pounds to the party grieved recoverable as servants' wages. See No. 28, Cl. 14.

All marshals, constables, &c. to set up notes in every town, for effects attached, mentioning the particulars ten days before any sale.

And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, for the future, shall presume to shew any Negro or Negroes, or other Slave or Slaves, or other effects whatsoever, to any marshal, constable, or other officer, for or towards satisfaction of any demand whatsoever, made or to be made against him, her, or them, other than what he, she, or they may legally shew in satisfaction of such demand, in all and every such case, the person or persons so offending shall forfeit and pay to the party grieved the sum of two hundred pounds current money of this island, for every such offence, to be recovered before any two of the neighbouring justices of the peace, to the party grieved and complaining, as in case of servants' wages. And for the better prevention and discovery of such evil practices, all marshals, constables, or other officers who, after the publication of this Act, shall attach any Negro or Negroes, Slave or Slaves, or other effects whatsoever, and shall expose the same to sale at public outcry, for or towards satisfaction of any demand whatsoever, the said marshal, constable, or other officers, and all and every of them are hereby strictly obliged and required to set up or affix notes in every town of this island, mentioning the particulars of his or their levy and attachment, and from whom, for what, and for satisfaction of whom the same was made, and where, and at what time the said outcry is to be, which said outcry shall be on the tenth day after the setting up such notes as aforesaid; and in case the said Negroes are not then outcried and sold, they shall not thereafter be outcried and sold, but on the tenth day after, other notice given thereof by notes so set up as aforesaid, and all and every marshal, constable, or other officer, for every time he or they shall offend in this particular, shall forfeit and pay the sum of one hundred pounds current money of this island, to Her Majesty, her heirs and successors, one half to the use of the fortifications of this island, and the other to the informer, and to be recovered as in case of servants' wages: And if any person or persons whatsoever shall any ways destroy, deface, tear, or pull down any such note or notes, or shall cause or procure them, or any of them, to be destroyed, defaced, torn, or pulled down before the said ten days, and sale at outcry shall be over, on due proof

Outcry to be on the tenth day after setting up notes, and if the Negroes are not then sold, new notes are to be again set up, *ut supra*, on forfeiture of one hundred pounds, half to the informer, and the remainder for the use of the fortifications, recoverable as servants' wages.

Whosoever shall pull down or destroy any notes for sales, shall

thereof before any justice of the peace in this island, every such person shall forfeit and pay to Her Majesty, her heirs and successors, the sum of ten pounds current money for every Negro or Slave mentioned in such note or notes, one half to the use of the fortifications of this island, and the other to the informer, to be recovered as in case of servants' wages. But if no Negroes or Slaves are mentioned in such note or notes, then the party offending shall forfeit only the sum of ten pounds for every such note or notes, to be to the same uses, and recovered in the same manner as aforesaid.

forfeit ten pounds for every Negro mentioned in such note, recoverable and applicable as the preceding forfeiture.

But if no Slaves are mentioned in the notes, then to forfeit only ten pounds to the same uses, and recoverable in the same manner.

And forasmuch as the several complaints concerning Negroes and other Slaves in this Act mentioned, are appointed to be inquired into by the two next or neighbouring justices of the peace to the party complaining, so that it may sometimes happen that the said justices may differ in opinion concerning any complaint which shall come before them: Be it therefore enacted by the authority aforesaid, that in case of any such difference in opinion, to take unto their assistance the next adjoining justice of the peace, and them three, or any two of them, shall sentence, adjudge, and determine the matter in complaint, anything in this law to the contrary in anywise notwithstanding.

Clause 33.

Justices differing in opinion may call to their assistance the next magistrates, and these three, or any two of them, shall determine the complaint.

And be it further enacted by the authority aforesaid, that all caveats against sending off Negroes or other Slaves, which for the future shall be entered in the secretary's office of this island, shall continue and be of full force for the space of one year from the day of the date thereof and no longer, unless then renewed for one year longer, and so from year to year as there shall be occasion.

Clause 34.

Caveats against sending off Slaves, to be in force only one year; but may be renewed from year to year.

Passed the 24th day of June 1709.

8.

(No. 161.) An Act for the Punishment of Runaway Slaves, and of Slaves who shall wilfully entertain, harbour, and conceal any Runaway Slaves.

Vide No. 82 and 93.

WHEREAS divers Negroes and other Slaves do often run away and absent themselves from the service of their owners, and are wilfully entertained, harboured, and concealed by other Slaves, to the great detriment of the owners of such runaway Slaves, and to the grievous mischief of the inhabitants of this island in general: Be it therefore enacted by the Honourable Samuel Barwick, Esquire, President of his Majesty's Council, and Commander-in-chief of this island, and other the Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of his Majesty's Council, and the General Assembly of this island, and by the authority of the same, that if any Negro or other Slave, shall hereafter wilfully entertain, harbour, and conceal any runaway Slave, and shall be thereof adjudged guilty by any justice of the peace, upon confession or proof, such Negro or other Slave so offending, as also every Negro or other Slave so run away, wilfully entertained, harboured, and concealed, and thereof adjudged guilty in manner aforesaid, shall severally for such first offence, receive one and twenty lashes on their bare backs; and for the second offence of the same nature, every such Negro or other Slave so severally offending, shall receive thirty and nine lashes on the bare back; and for the third offence of the same nature, every Negro or other Slave so severally offending, shall receive thirty and nine lashes on the bare back, and be branded in the right cheek with a hot iron, marked with the letter R, and for every other offence of the same nature afterwards, every such Negro or other Slave so offending, shall be punished at the discretion of the justice, life and limb excepted.

Preamble.

Clause 1.

Negroes, &c. harbouring any Slave run away, shall on conviction before a justice of peace, receive twenty-one lashes for the first offence, and the runaway Slave shall be punished in like manner.

For the second offence thirty-nine lashes.

For the third offence shall receive thirty-nine lashes, and be branded R on the right cheek, and for every other offence punished at the discretion of the justice.

And be it further enacted by the authority aforesaid, that from and after publication hereof, it shall and may be lawful for any justice of the peace within this island, and every justice of the peace is hereby authorized and required upon complaint and oath to him made that any Negroes or other Slaves are run away, and have absented themselves from the service of their owners, and at the request of such owners, or their attornies, and not otherwise, to issue a warrant to such owners or their attornies, or to some discreet

Clause 2.

Every justice of peace upon complaint on oath, to issue a warrant to search for and apprehend runaway Slaves; and all Slaves suspected of harbouring them, to give judgment against of-

fenders, and record his proceedings.

person or persons to be recommended for that purpose, by such owners or their attorneys, and to be approved of by such justice, to search for and apprehend all such runaway Slaves, as also all such Negroes or other Slaves, as the said complainants shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, and concealing such runaway Slaves, and them to bring before such justice to be dealt with according to the directions of this Act for such their offences; and the said justice is hereby authorized and required to hear and determine such complaints, and to give judgment thereupon against any Negro or other Slave, that shall be by him adjudged guilty of any the offences aforesaid, according to the directions of this Act, and of all such complaints and the proceedings thereon, the said justice shall make record; and every such person to whom such warrant shall be directed, is hereby authorized and empowered to raise and arm any number of men not exceeding ten, to assist in the execution of such warrant.

Any person executing such warrant, may raise and arm ten men to assist him.

Clause 3.

But shall execute no other writ at the same time, under the penalty of fifty pounds, half to his Majesty, and half to the person aggrieved.

Provided always, and it is hereby enacted by the authority aforesaid, that such person to whom such warrant shall be directed, shall not at the time of executing of the said warrant, execute any other warrant or writ, nor be aiding, abetting, or assisting, nor connive at, assent or consent, to the executing of any other warrant or writ at the same time, under the penalty of fifty pounds current money, to be recovered against such person by action of debt, plaint, bill, or information in any of the courts of record in this island, one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety to the party aggrieved, who is hereby empowered to sue for the same in manner aforesaid.

Passed November 11th, 1731.

9.

Vide No. 82.

(No. 164.) An Act for the better governing of Negroes, and the more effectual preventing the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering.

Preamble.

WHEREAS several good and wholesome laws have been made and provided for the government of Negroes in this island, and to prevent the inhabitants from employing their own or other Negroes or Slaves in selling or bartering, which laws, if duly put in execution, would redound to the great advantage and benefit of the people of this island, and prevent many felonies and other crimes and abuses daily committed by Negroes and other Slaves, to the great impoverishment, loss, and damage of the inhabitants; for the better execution therefore of the said laws, and to prevent such enormities and abuses for the future: Be it enacted by his Excellency, the Right Honourable Scroop Viscount Howe, Baron of Cleonelly, His Majesty's Captain-general and Governor-in-chief of this and other the Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that from and after the publication of this Act, it shall and may be lawful to and for all or any of His Majesty's justices of the peace within this island, and they are hereby required respectively to put the said laws forthwith in execution against all and every person offending against the same, particularly the Act or Statute bearing date the eighth day of August, one thousand six hundred and eighty-eight, entitled "An Act for the governing of Negroes," and one other Act bearing date the sixth day of January, one thousand seven hundred and eight, entitled "An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering."

Clause 1.

Justices of the peace required to put the laws for governing Negroes in force, particularly the Acts No. 82, and No. 116.

And to the end that greater and better notice may for the time to come be had and taken of the said Acts and Statutes: Be it further enacted by the authority aforesaid, that the several rectors or officiating ministers of the respective parishes within this island for the time being shall, and they are hereby required under the penalty of fifty pounds to His Majesty, to be recovered against him or them neglecting his or their duty, by action of debt, in any of His Majesty's Courts of Record in this island, to be commenced

Clause 2.

Ministers in each parish shall, on fifty pounds penalty, publish the said laws, with this Act, in the several parish churches, on the second or third Sunday in January yearly.

and prosecuted by any person that will sue for the same, to cause the said Acts or Statutes, together with this Act, a copy whereof for that purpose the churchwardens of the respective parishes within this island for the time being shall, and they are hereby required, under the like penalty of fifty pounds, to be recovered in the like manner, and to the said uses as the said penalty on rectors and officiating ministers, to provide and send annually to the said rectors or officiating ministers, to be openly read in church immediately after divine service on the second Sunday in January yearly; or in case there should be no service on the second Sunday aforesaid, then on the first Sunday after on which there shall be divine service; one half of the said penalties to be for the informer, and the other half for the use of the poor of each parish where such neglect shall happen.

And the several churchwardens shall furnish them with annual copies for that purpose, under the like penalty.

Application of the forfeitures.

Clause 3.

And be it further enacted by the authority aforesaid, that from and after publication of this Act, it shall and may be lawful to and for every constable within this island, and to and for the clerk or clerks of the market for the time being, his or their deputy or deputies, who shall have taken the oath appointed to be taken in and by the said last-mentioned Act, and to and for every other person whatsoever, to seize and apprehend all such Negro and other Slaves in whose custody he or they shall find any sugar canes, whole or in pieces, muscovado, or other sugar syrup, rum, or molasses, cotton, ginger, corn, or grain of any kind, plate wrought or melted down, iron, lead, copper, pewter, brass, tin, or other goods of what nature or quality soever, and likewise to seize and take from such Negro or Negroes, Slave or Slaves, all such goods as shall be so found in his or their custody; and the said Negro or Negroes, Slave or Slaves, together with such goods, to carry before the next or neighbouring justice of the peace, before whom, if sufficient proof shall not be made to his satisfaction that the same goods were delivered or sent by the master or mistress of such Negro or other Slave, or by such as shall act under him or her, to be sold or otherwise disposed of to his or her use, and with a ticket for that purpose, and under the same restrictions, directions, and appointments as by the said former laws, or either of them, is required and enacted, the said goods and every of them shall be adjudged forfeited; and thereupon the same, or so much thereof as the said justice in his discretion shall think fit, shall by such justice be forthwith sent to the common gaol of this island, there to be distributed or disposed of among the prisoners in gaol as the provost marshal or his deputy, having a just regard to the poverty and circumstances of each prisoner, shall in his discretion think fit and reasonable: And in case any of the aforementioned goods shall be suspected to have been stolen, shall be found in the custody or keeping of any white person, or that the same shall be found selling or exposed to sale at any door, window, or other place in any of the towns of this island, or in or near the roads leading thereto, the same shall and may be also seized upon or taken by any of the persons aforesaid, who shall think proper to seize the same, and in like manner carried to the next or neighbouring justice of the peace, before whom, if it shall not appear to his satisfaction that the same, and every part and parcel thereof was legally and honestly come by, or bought from the true, rightful, and lawful owner, or from some Negro or other Slave sufficiently authorized to dispose thereof, as by the said former laws is directed, all and every such goods shall likewise be adjudged forfeited, and the party or parties claiming the same, or in whose custody, possession, or keeping the same were found, and every Negro or Slave which shall appear to be any wise concerned in the same, either by bringing the said goods or any of them to town, or taking upon them to sell or expose, or offering the same to sale, shall be proceeded against as in and by the said former laws, or either of them, or any other law, Act, or Statute of this island is directed or appointed, and the goods so taken and adjudged forfeited, or so much thereof as the said justice shall think proper, shall in like manner be forthwith sent to the common gaol, there to be disposed of as hereinbefore is directed and appointed: Provided always, and it is the true intent and meaning of this Act, that if the true lawful owner of any goods so to be seized shall appear to such justice, before whom the same shall be carried for his judgment and adjudication thereon, and whose determination concerning the same shall be definitive and conclusive to all parties, then and

Constables, clerks of the market, or any other person, may apprehend Negroes in whose custody sugar-canes, sugar, rum, &c. or other goods are found; to take such away, and carry them, with the Negroes, &c. before a justice.

Who shall condemn the goods to the use of the poor prisoners in gaol, if it doth not appear that they were delivered to the Negro by the master, to be sold for his use, and with a ticket as directed by No. 82, or No. 116.

Goods suspected to be stolen, and found in the possession of a white person, may also be seized and carried before a justice.

If it doth not appear they were honestly come by, they shall in like manner be forfeited and applied.

The person in whose custody they are found, and every Slave concerned, to be proceeded against as by former laws are directed.

Proviso—

If the owner of such goods, so seized, appear before the justice, they shall be restored on his paying the person seizing

taem any sum not above five shillings.

in such case restitution thereof shall forthwith be made to the rightful owner or proprietor of such goods, he or she paying any sum not exceeding five shillings, as shall by such justice be adjudged reasonable, to the person or persons who seized the same; but in case the owner or proprietor of any plate or other valuable goods so to be seized or taken, may not presently be known, the justice before whom such plate or other valuable goods shall be carried (the members of His Majesty's council excepted, unless they think proper to act) is hereby required under the penalty of twenty pounds, to be recovered before any other of His Majesty's justices of the peace for His Majesty, his heirs and successors, one half thereof to the informer, and the other half to the party grieved, to give public notice, in writing, of such seizure of such stolen plate or other valuable goods, with the marks and best description thereof that can or may be given; and such notice in writing shall, by nine o'clock in the morning of one of the two next Sundays after such plate or other valuable goods shall be brought or carried to such justice, be affixed to every church door in the respective parishes of this island, there to remain till after the Sunday following; and in the mean time, *viz.*, on the Wednesday or Thursday between the Sundays aforesaid, the same plate or other goods to be described in such notice shall be publicly cried between the hours of nine and twelve in the forenoon, in the towns of St. Michael and Speights, or Little Bristol, and if in ten days after such notice shall be so affixed, the rightful and lawful owner of such plate or goods shall not appear before such justice, and make out his or her claim, right, or property thereto, then, and not before, it shall and may be lawful for such justice to sell or dispose of such plate and goods at public outcry, in the market town in the precinct, according to the method used by the marshal of the Court of Common Pleas, one half thereof, after deducting twenty shillings for the care and trouble of such justice in advertising, and crying, and selling of the said valuable goods according to the directions of this law, for the use of the informer, and the other half to be distributed as aforesaid, or among the poor of the parish where such sale shall be made, or amongst the prisoners in the common gaol, and the said poor in such proportions as the said justice in his discretion shall think proper; but in case the true, rightful, and lawful owner shall in the mean time appear before such justice by himself or other person lawfully authorized thereto, and shall make due proof of his right or property to the satisfaction of the said justice, then and in such case restitution of all such plate and other valuable goods shall be forthwith made to such owner or proprietor claiming the same, he or she paying five shillings to the informer or captor of such plate or goods, together with twenty shillings to such justice, for his care and trouble in the execution of his office, and giving such notice as hereinbefore directed, and causing the same to be publicly cried as aforesaid, anything hereinbefore, or any law, custom, or usage, seeming to the contrary hereof in anywise notwithstanding.

If the owner of plate or other valuable goods seized is not known, the justice, under the penalty of twenty pounds, shall give notice, with a description thereof, in writing, to be affixed to, and remain on, every church door in the island two Sundays.

To be also cried on the Wednesday or Thursday between the said two Sundays, in the towns of St. Michael and Speights.

If the owner does not appear in ten days after, the goods shall be sold, and the justice receive twenty shillings, the remainder to be applied, half to the informer and half to the party grieved, or among the poor of the parish, or among the prisoners in gaol and the said poor, as the justice shall order.

If the owner doth appear and prove his right, restitution shall be made on his paying five shillings to the captor and twenty shillings to the justice.

And whereas it is very inconvenient to the inhabitants of this island, especially to the cotton and ginger planters, that Negroes or other Slaves should be at liberty to plant any quantities of cotton or ginger, for that under pretence thereof great frauds and felonies are frequently committed, and clandestine trade by means thereof is daily carried on between ill-disposed white persons and Negroes or Slaves; for prevention whereof for the future,

Clause 4. No Negro allowed to plant cotton or ginger for his own use; and if found exposing any to sale, the goods to be deemed stolen and the Slave punished, as directed by clause 3.

Be it further enacted by the authority aforesaid, that from and after the publication of this Act, it shall not be lawful for any Negro or other Slave, to plant to his own or other use than that of his master, any cotton or ginger whatsoever, and that if any Negro or other Slave shall be found with any such or exposing the same to sale, such cotton and ginger shall be deemed as stolen goods, and the same proceedings, penalties, and forfeitures shall be had, made, and prosecuted thereon against such Negro or other Slave, as in the cases hereinbefore mentioned; and any huckster or other person who shall be convicted of dealing with or buying any such cotton or ginger from such Negro or other Slave, shall be subject to the same penalties and proceedings as by the said two last-mentioned Acts or Statutes, or any other Act or Statute of this island touching stolen goods, or trading with Negroes or other Slaves, are already inflicted, directed, or appointed, any former law, custom, or usage to the contrary in anywise notwithstanding.

Any person buying such goods of a Slave shall be subject to the same penalties as those that buy stolen goods or deal with Negroes are by any former law.

Provided always, and be it further enacted, that in case any of the persons aforesaid, who shall seize or take any of the goods aforesaid, shall fail or neglect to carry the same in two days before the next justice as aforesaid, in order to have and receive his judgment or determination thereupon, every such person so offending and convicted thereof before such justice, shall forfeit and pay to the party grieved any sum not exceeding ten pounds at the discretion of such justice, the same to be levied by warrant under his hand and seal directed to any constable, by distress and sale of any of the goods or chattels of the party offending as aforesaid, as in case of servants' wages; and in case goods of the party so offending shall not be found sufficient to satisfy the sum adjudged against him, then, and in such case, the persons so offending shall be apprehended and conveyed to the common gaol, there to remain until satisfaction shall be made to the party grieved as in case of executions from any of the courts of common law in this island: Provided also, that if any Negroes or other Slaves who shall have charge of any waggon, cart, cattle, horses, or asses belonging to their master or mistress, shall be seized and apprehended in pursuance of this law, whereby such carriages, cattle, horses, or asses, may be detained to the great prejudice of their owners, and more particularly to such as live at great distances from several towns in this island, they shall be forthwith discharged upon reasonable security being given to such justice of the peace before whom such Negroes or Slaves shall be brought, that such Negroes or Slaves shall be forthcoming in such time as such justice in his discretion shall think fit and reasonable, or as the case shall require.

Clause 5. If the person seizing such goods, do not in two days carry them before the next justice, he shall pay any sum not above ten pounds, to the party grieved.

And for want of effects, to be committed to gaol till paid.

Proviso—

If any Negro having charge of a carriage &c., shall be seized, and such carriage, &c., is detained, they shall be discharged, on giving security that such Negro shall be forthcoming.

And be it further enacted by the authority aforesaid, that in case any stolen goods shall be found in the custody of any person whatsoever, and that the person from whom the same were stolen, or any other person cannot take upon him to swear or depose against such person in whose custody such goods were found, as the actual thief or stealer thereof, every such person shall be proceeded against as receivers of stolen goods, knowing the same to be stolen, are proceeded against in that part of Great Britain called England, and he or they shall be taken and deemed an accessary or accessaries to such felony after the fact, and shall incur the same punishment as an accessary or accessaries to the felony after the fact committed.

Clause 6. Receivers of stolen goods, not prosecuted as principals, to be proceeded against as accessaries after the fact committed.

Provided always, that it shall and may be lawful for the court where such offence shall be tried, to order and direct such accessary or accessaries to be prosecuted as for a misdemeanour, before the principal shall be convicted, as to such court, from the nature and circumstances of the case, shall seem proper, and if thereof convicted, shall be punished by fine and imprisonment, which shall exempt such offender from being punished as accessary to the felony, though the principal thereof should be afterwards convicted, any law, custom, or usage to the contrary in anywise notwithstanding.

Proviso— And the court shall order such accessary to be prosecuted for a misdemeanour, before the principal is convicted, which shall exempt him from further punishment.

Passed May 22d, 1733.

10.

(No. 196.) An Act for rendering more effectual, and for supplying many defects in the several Laws of this Island for the governing of Negroes.

Vide No. 91, 92, 93, 112, 116, 117, 159, 161, 164, 180, 201.

Preamble.

WHEREAS divers mischiefs do often happen, and frequent disorders occasioned in and about the towns and other parts of this island, by the notorious fighting, quarelling, and other evil and daring practises of Negroes and other Slaves, openly carried on in the public streets and highways, to the disturbance of the general quiet of the inhabitants, which has been in great measure owing to the indulgence and countenance given by some masters and mistresses to their Slaves; and whereas though there is no express law for the punishing the said offences, yet it has been usual from the necessity and supposed reason of the thing, for magistrates to punish the same by whipping as directed in the like cases, which, however, has of late occasioned some

doubts and disputes to arise; to obviate therefore all such doubts, and to prevent such disputes for the future, to the end that there may be full provision made in these particular cases and an explicit law for the purpose, Be it further enacted by his Excellency Henry Grenville, Esquire, Captain-general and Governor-in-Chief of this Island, and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of his Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after publication of this Act, any justice of the peace, upon due complaint to him made, shall have power and authority, and he is hereby required by warrant under his hand and seal, to cause any Negro or other Slave or Slaves to be apprehended and brought before him, for any threatening, fighting, or quarrelling one with another, or for any insolent language or gesture to any white or free person; or for swearing, cursing, or uttering any obscene speeches, or drunkenness; or making, selling, throwing, or firing of squibs, serpents, or other fireworks; or any other misbehaviour whereby the public may be disturbed or any particular person immediately aggrieved; but it shall and may be lawful for any constable without such warrant, to apprehend and secure any Negro or other Slave or Slaves so offending in his presence, and to convey him, her or them, as soon as conveniently may be, before the next or any neighbouring justice of the peace; and if any Negro or other Slave shall commit any of the said offences before mentioned and described, in the view or hearing of any justice of the peace, or be duly convicted of any of the said offences, before any justice, he may order him, her, or them to be whipped by a constable or the common whipper, according to the nature of the offence, and the state of health, age, and character of the offender, not exceeding thirty-nine lashes; but the punishment of women big with child may be respited.

Clause 1. Any justice may upon due complaint issue his warrant for apprehending Negroes charged with fighting, quarrelling, swearing, drunkenness, obscene speeches, or other misbehaviour, or making, selling, or firing squibs. &c.

See No. 206, Cl. 3.

Constables may without a warrant apprehend Slaves offending as aforesaid, and carry them before a justice.

And Slaves committing either of the said offences, in the view or hearing of a justice or convicted before him, to be whipped according to the nature of the offence, &c., not exceeding thirty-nine lashes.

The punishment of women big with child, to be respited.

Clause 2. Owners of Slaves whipped, are to pay the constable and whipper their fees, not exceeding fifteen-pence for each Slave. Vide No. 296, Cl. 3.

And be it further enacted by the authority aforesaid, that for every Negro or other Slave who shall be apprehended and whipped by order of any justice of the peace, by virtue of this or any other Act of this island, the owner or other possessor of such Slave, shall immediately pay to the constable and whipper their reasonable fees, not exceeding fifteen-pence for any one Slave, to be determined by such justice of the peace, and proceeded for as in case of servant's wages; Provided that nothing herein contained shall be construed to lessen or alter any the rewards for apprehending of runaway Negroes, particularly appointed by an Act entitled "An Act for the Governing of Negroes," and also by another Act entitled, "An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes," &c.

Proviso— This Act not to lessen the rewards given by former Acts for taking up runaway Slaves. See No. 82, Cl. 18, No. 180, Cl. 4.

Clause 3. Persons knowing or having notice from a constable, that Slaves have committed any of the aforementioned offences, and shall screen them from justice, or whoever shall obstruct the execution of this Act, to forfeit five pounds for every Slave secreted, half to the informer and half to the poor prisoners, recoverable as servants' wages.

And be it further enacted by the authority aforesaid, that in case any person or persons knowing any Negro or other Slave to commit any offence within the description of this Act, or having notice thereof from any constable, shall harbour, conceal, or convey away any such Slave, whether the Slave be or be not his or their own, in order to hinder him or her from being punished according to the directions of this Act, or shall in any wise hinder its being put in force, or abuse or threaten any one for pursuing it, such person or persons who shall so offend, and be thereof convicted before any justice of the peace, by the oath of any one credible witness, shall forfeit for every Negro or other Slave so harboured, concealed, or conveyed away as aforesaid, five pounds, to be recovered by the informer as in case of servants' wages, one moiety thereof to be to the use of such informer, and the other moiety to the poor prisoners in the common gaol, to be distributed in such manner as the said justice shall direct and appoint.

Clause 4. Constables are to endeavour to prevent Slaves assembling at hucksters shops, or other unlawful meetings, and if necessary may take a guard to disperse them, and in case of resistance to secure and carry them before a justice to be punished.

And be it further enacted by the authority aforesaid, that the several constables in this island shall, at all times, use their best endeavours to prevent Negroes or other Slaves from gaming or assembling together at hucksters shops, tippling or dram houses, or other unlawful meetings; and, if necessary, may take to their aid and assistance a sufficient guard to disperse such Slaves, and in case of any resistance to secure them, that they may be carried before the next justice of the peace, to be examined and punished as the law directs.

Clause 5. Every person who

And be it further enacted by the authority aforesaid, that every person who shall let on hire to any other person's Slave, or permit any such Slave

or Slaves, at the instance or on the credit of any other person, to have the use or ordering of any land, house, shed, or room, except in case of sickness, such person or persons offending as aforesaid, shall pay to the churchwarden of the parish where the offender lives, at the rate of five pounds a month for every such Slave, for so long a time as he or she shall have the use, ordering, or possession of any such land, house, shed, or room as aforesaid, to be recovered by such churchwarden from the offender, before any justice of the peace, as in case of servants' wages, and applied to the uses of the poor prisoners in the common gaol of this island.

shall let to, or for the use of a Slave, any shed, room, land, &c., except in case of sickness, shall forfeit five pounds per month for every such Slave, for so long as he shall have the use of such room, &c., to be recovered by the churchwarden, before a justice, to the use of the poor prisoners.

See No. 210, Cl. 2. Where such are to pay h alhe rent as a tax, above all other assessments.

And be it further enacted by the authority aforesaid, that whoever, knowing any Negro or other Slave to have committed a felony of any kind, or having notice from any constable, that any Slave is charged with any such capital crime before a justice of peace, shall oppose any one who lawfully endeavours to apprehend such offender, or shall rescue or aid any such offender in making his or her escape, or shall harbour or conceal any such offender from being brought to public justice, every such person shall, in every such case, pay unto the party injured his full damages, to be recovered in any Court of Record in this island; and whatever person shall apprehend a Slave who hath committed felony, or any capital crime, so that such Slave shall be brought to justice and executed, shall be paid by the treasurer of this island for the time being, out of any of the public monies, on a certificate of the justices and freeholders, the sum of fifty shillings.

Clause 6.
Whoever knowingly conceals any Slave charged with a capital crime, or shall oppose any one who lawfully endeavours to take such offender. &c., shall pay to the party aggrieved his full damages, recoverable by action.

And whoever shall apprehend such an offender, so that he be executed, shall receive from the treasurer two pounds ten shillings.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of peace to impose upon any constable, for every wilful neglect or default of his duty in the execution of this Act, or any other Act for the government of Negroes, a penalty not exceeding five pounds, to be levied by distress and sale of the offender's goods, rendering him the overplus, if any, one moiety of such penalty to be paid to the informer, and the other moiety to be distributed among the poor prisoners as aforesaid: and every justice of peace who shall refuse to perform the duty required of him by this Act, or any of the other Acts relating to the government of Negroes, shall forfeit ten pounds, to be paid into the treasury of this island, and applied to the uses and purposes of the present or any future Excise Act, such forfeiture to be recovered by information, or other suit, in any Court of Record, provided the same be commenced within three months after such refusal.

Clause 7.
Any justice may impose a penalty not exceeding five pound, upon every constable for wilful neglect of his duty, in the execution of the Acts for governing of Negroes.

And every justice refusing to do the duties required of him by any of the said Acts, shall forfeit ten pounds, to be paid into the treasury for the uses of the Excise Act; the writ to be commenced within three months after such refusal.

And be it further enacted by the authority aforesaid, that whenever any goods or things taken away from any Slave shall be brought before any justice of the peace, in order to be condemned by virtue of any Act or Acts of this island, before condemnation shall be made thereof, the owner or reputed owner of such goods and things, if he or she be known, and can be found, shall be summoned before such justice, who is hereby required to hear what such owner may have to say, or can allege against such condemnation; and upon due consideration of the whole matter, to restore such goods and things to the said owner, or condemn them, as the case may require: But if such owner be not known, or cannot be found, or being summoned shall not appear before the justice within some reasonable and convenient time by him to be appointed, the said justice, in those cases, shall and may, nevertheless, proceed against such goods and things, in such manner as in and by such Act or Acts is required and directed.

Clause 8.
When goods are taken away from any Slave and carried before a justice for condemnation, he shall summon the owner or reputed owner before him to shew cause, &c. and upon due consideration the justice may condemn or restore the goods.
If the owner cannot be found, or will not appear, the justice to proceed as directed by former Acts. See an Act passed March 15, 1747, which is since expired.

And be it further enacted by the authority aforesaid, that all penalties and forfeitures herein mentioned, shall be to His Majesty, his heirs and successors, for the uses herein appointed; and if any person shall at any time be sued for any matter or thing by him done in pursuance of this Act, he or she may plead the general issue, and give this Act and the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff be nonsuit or discontinue, or judgment shall otherwise pass for the defendant, such defendant shall recover his double costs.

Clause 9.
Persons sued for pursuing this Act, may plead the general issue, &c.

Passed August 9th, 1749.

11.

No. 5. (Moore.) An Act to amend an Act entitled "An Act for the Governing of Negroes."

Preamble. Hall's Laws, No. 82, Cl. 2d, recited.

WHEREAS, by an Act or Statute of this island, passed the eighth day of August, one thousand six hundred and eighty-eight, entitled "An Act for the Governing of Negroes," it is among other things enacted, "that it shall and may be lawful for all masters, overseers, and other persons whatsoever, to apprehend and take up any Negro or other Slave or Slaves that shall be found out of the plantation of his or their master or owner at any time, especially Saturday nights, Sundays, or other holidays, not being on lawful business, and with a letter from their master, or a ticket, or not having a white man with them (except only such Negro or other Slave or Slaves as usually attend their masters, and have on a livery), and the said Negro or other Slave or Slaves correct by a moderate whipping, and after notice given to their master, owner, or overseer, him or them detain until the said master, owner, or overseer pay to the said person that took him up, two shillings and sixpence for every such Negro or other Slave, he making oath before the next justice of the peace (if thereunto required by the owner of such Negro or other Slave,) that he found or saw no letter or ticket with him." And whereas divers ill-disposed and malicious persons, against whom they had conceived malice and ill-will have, under colour of the said recited Act, though contrary to the spirit and true intention thereof, made it their practice to apprehend, take up, and correct Slaves, whom of their own knowledge they knew were on the lawful business of their owners, merely because such Slaves were without tickets, which practice being very prejudicial and injurious to the owners of Slaves, particularly to those who, from the situation of their different estates, render it necessary that their Slaves should be frequently passing from one estate to another, and from their dwelling houses and estates to the towns and bays: For remedy thereof for the future, be it enacted by his Excellency Charles Pinfold, Esq., Captain General, Governor, and Commander-in-chief of this island, &c., the Honourable the members of his Majesty's Council, and the General Assembly, and by the authority of the same, that when any person shall hereafter, by virtue of the said recited Act or otherwise, apprehend and take up any Negro or other Slave or Slaves that shall be found out of the plantation of his, her, or their master or owner, and without a letter or ticket of such master or owner, such person so apprehending such Slave or Slaves shall not correct or whip him, her, or them, as directed by the said Act, but shall immediately carry the said Slave or Slaves to the next justice of the peace, and shall make oath before the said justice that he found or saw no letter or ticket with such Slave or Slaves, and further also, that he verily believed such Slave or Slaves was or were not on the lawful business of his, her, or their owner or owners; and the said justice shall thereupon summon before him the owner or owners of such Slave or Slaves, and shall direct the said owner or owners to pay unto the person so apprehending such Slaves, two shillings and sixpence for every such Slave; and the said justice shall also inquire into the cause of such Slave or Slaves absence from the plantation of his, her, or their owner or owners, and if it shall appear to the said justice that the said Slave or Slaves was or were not on lawful business, he or they shall, by order of the said justice, be corrected by a moderate whipping. Provided always, nevertheless, that this Act shall not extend to owners and overseers of plantations, who shall take up and apprehend Slaves found by them on such plantations, nor to any other person who shall take up and apprehend Slaves at any public meetings of such Slaves on Saturday nights, Sundays, or other holydays, or who shall take up and apprehend Slaves using and carrying of large clubs, wooden swords, or other mischievous and dangerous weapons, or doing any act tending to a breach of the peace, or disturbance of the neighbourhood; but all owners and overseers of plantations apprehending Slaves found by them on such plantations, and all other persons apprehending them at their public meetings on Saturday nights, Sundays, and other holydays, or carrying dangerous weapons, or doing any

Clause 1. A person who apprehends a Slave out of the owner's plantation without a livery, letter, or ticket, is not to correct, but to carry such Slave to the next justice, and make oath he saw or found no letter or ticket with such Slave, and that he believed such Slave was not on the owner's lawful business, upon which the justice is to summon the owner before him, and direct such owner to pay the person apprehending the Slave two shillings and sixpence; and the justice is also to inquire into the cause of the Slave's offence; and if the Slave was not on lawful business, to order a moderate whipping.

Proviso— This Act not to extend to Slaves apprehended on a plantation, or at any public meeting of Slaves on Saturday nights, &c., or to Slaves carrying large clubs, &c., or doing any Act tending to a breach of the peace.

act tending to a breach of the peace, or disturbance of the neighbourhood, as aforesaid, shall and may, in all such cases, proceed against such Slaves in the manner prescribed by the said recited Act, entitled "An Act for the governing of Negroes," any thing in this Act contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that nothing contained herein shall be of force or effect until His Majesty's pleasure shall be signified and declared in this island, of and concerning the same. Clause 2.

Passed April 15th, 1766.

Confirmed July 24th, 1767.

12.

No. 37. (Moore.) An Act to prevent distempered, maimed, and worn-out Negroes from infesting the Towns, Streets, and Highways of this Island.

WHEREAS it has for some time past been the cruel practice of some persons possessing Negroes (who from their old age and infirmities are incapable of further service to their inhuman owners,) to drive them from their plantations to beg, steal, or starve; which said unhappy objects are daily infesting the public streets of the several towns in this island, greatly to the annoyance and nuisance of the inhabitants thereof. To prevent such inhuman practices for the future, so disgraceful and dangerous to the country, Be it therefore enacted by his Excellency David Parry, Esq., Captain General, Governor and Commander-in-chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the publication of this Act, the owner or owners of any distempered, maimed, or worn-out Negro or Negroes, Mulatto, or other Slaves, suffering such distempered, maimed, or worn-out Negro, Mulatto, or other Slaves, to infest the towns, streets, lanes, public highways, or avenues leading to the several towns of this island, upon notice or summons under the hand and seal of any magistrate in this island, delivered to the owner or owners of such Negro, Mulatto, or other Slave or Slaves, or left at his, her, or their most usual place of residence, with a white person, acquainting him, her, or them, with the nuisance the public sustain thereby, the said owner or owners of such distempered Slave or Slaves (Negro or Mulatto) not removing the same within the space of four days after receiving such notice as aforesaid, shall, on conviction before the magistrate who issued such notice or summons, or any other magistrate for the body of this island, forfeit and pay for every offence the sum of five pounds, and the magistrate before whom such conviction shall be had, shall cause such distempered, maimed, or worn-out Slave or Slaves to be immediately removed and conveyed to the owner or owners of such Slave or Slaves, or to his, her, or their habitation or place of residence, and pay the charges and expenses thereof with or out of the said penalty of five pounds, one-third of the overplus, if any be, of the said sum to be applied to the use of the constable or person who shall apprehend such distempered, maimed, or worn-out Slave or Slaves, and the other two thirds to be placed in the public treasury; and if any person or persons offending as aforesaid, shall not immediately upon his, her, or their being thereof as aforesaid convicted, pay to the said justice or justices of the peace before whom such convictions shall be made, the said forfeiture or forfeitures for the uses aforesaid, then every such justice or justices of the peace, is and are hereby empowered and required by warrant of distress under his or their hands and seals, to levy on the goods and chattels of the offender, and in failure of goods and chattels in possession of such offender whereon such forfeiture may be levied, then, and in such case, every such justice or justices to commit every owner or owners of such distempered, maimed, or worn-out Slave or Slaves to the common gaol of this island, there to remain without bail or mainprize for any time not exceeding two months, unless such owner

Preamble.

Clause 1.

Owners of distempered Slaves suffering them to infest the towns, &c. upon notice given them by a magistrate of the nuisance, and not removing the same within four days, are to forfeit five pounds for every offence.

The magistrate is to cause such Slave to be removed to the owner, or habitation of the owner, and pay the charges out of the penalty.

One-third of the overplus of the penalty to be paid the person apprehending the Slave, and the other two-thirds placed in the public treasury.

The penalty if not immediately paid, is to be by warrant of distress levied on the offender's goods, and on failure of goods

the offender shall be committed to gaol, there to remain for any time not exceeding two months, unless the penalty be sooner paid.

or owners shall sooner pay such forfeiture or forfeitures to the said justice or justices of the peace, to be applied in manner aforesaid.

Passed January 18th, 1785.

13.

Barbadoes.—An Act to remove Doubts concerning the Trial of Slaves manumitted after the Commission of Felonies of which they may stand accused.

WHEREAS doubts have arisen whether a Slave accused of murder or any other felony, and manumitted after the commission of the Act of which he is accused, is amenable and subject to the laws and statutes of this island now in force for the trial of Slaves charged with the commission of the aforesaid felonies.

Clause 1.

Be it therefore enacted by the Honourable John Spooner, President of His Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this Island, and by the authority of the same, that any Slave or Slaves accused of murder or any other felony or felonies shall be liable to be tried as a Slave, and shall be amenable and subject to all the laws and statutes of this island now in force for regulating and directing the trial of Slaves, notwithstanding any attempt to elude the law by any deed or deeds of manumission to the said Slave or Slaves executed after the commission of the said murder, or any other felony or felonies of which the said Slave or Slaves shall stand charged with the commission.

If Slaves accused of murder or other felony be subsequently freed they are to be tried as Slaves.

Clause 2.

And be it further enacted by the authority aforesaid, that all deeds of manumission of any Slave or Slaves after the commission of any murder or other felony of which the said Slave or Slaves is or are accused, and previous to the trial and acquittal of the said Slave or Slaves for the said offence or offences, are and shall be of no effect, and shall be void to all intents and purposes.

And the deeds of manumission to be void.

Read three times and passed the Council unanimously, this 14th day of February, 1809. (Signed)
JAMES DOTTIN HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly unanimously, the 14th day of February, 1809. (Signed)
JAMES GRASELL, Acting Clerk to the General Assembly.
(Signed) JOHN SPOONER.

Assented to by his Honour the President, on the 14th day of March, 1809.
(Signed) J. DOTTIN HUSBANDS, Deputy Secretary.

14.

Barbadoes.—An Act to Repeal part of an Act entitled "An Act for the Governing of Negroes," and for building and regulating a New Cage.

WHEREAS the building heretofore used for the confinement of runaway Slaves in this island, and commonly called the cage, is inconvenient in its situation, and unfit for the purposes for which the same was intended; and whereas it is highly necessary for the preservation of private property, and for the promotion of public justice, that the building wherein such Slaves are confined should be healthy and commodious; and whereas it is expedient that the Acts, Statutes, Provisions, and Regulations heretofore made, passed, and enacted of and concerning the said cage, should be united and consolidated in one general Act; Be it therefore enacted by his Excellency the Right Honourable Stapleton, Lord Combermere, Knight, Grand Cross of the Most

Honourable Military Order of the Bath, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor-in-chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act, the seventh, eighth, ninth, and tenth, clauses of an Act of this island, entitled "An Act for the governing of Negroes," and all and every the acts and statutes of this island, which have been at any time heretofore made and passed in anywise relating to the said cage, shall be and the same are hereby, so far as the same concern or relate to the said cage, repealed and made void to all intents and purposes whatsoever, and the several provisions and regulations herein made respecting the said cage are hereby declared and enacted to be alone in force.

The 7th, 8th, 9th, and 10th Clauses of No. 82, Hall's Laws, and all other laws relating to the cage repealed.

And be it further enacted by the authority aforesaid, that a new cage shall be forthwith erected and built on the spot of land where Willoughby Fort stood, and which said spot of land together with the buildings thereon erected, is hereby given and allotted for the purpose aforesaid, in the place and stead, and for the purposes for which the present cage has hitherto been used under the regulations and restrictions hereinafter expressed.

Clause 2. Directs a new cage to be erected, on the site of Willoughby Fort.

And be it further enacted by the authority aforesaid, that three members of His Majesty's Council to be appointed by the Commander-in-chief of this island for the time being, and five members of the General Assembly, to be appointed by the speaker of the said Assembly for the time being, shall be and they are hereby appointed commissioners, three of whom are hereby declared to be a board to superintend the building of the said new cage, which said commissioners or any three of them are hereby invested with full and ample powers to contract and agree with any person or persons whomsoever, for building the said cage, and completely finishing the same according to a plan hereto annexed; (which plan, however, may in any instance be varied from or altered by the consent of a majority of a board of the said commissioners, if they shall see fit,) and the said commissioners or any three of them, shall have full power and authority to agree with the said contractor, completely to build and finish the said cage in a masterly and workman-like manner, within a given time to be agreed on, and at and for a certain price or sum not exceeding the sum of three hundred pounds; and the said commissioners or any three of them are hereby required to take good and sufficient security from the contractor or contractors for the due performance of his or their contract, and when and so soon as the said commissioners or any three of them, shall certify in writing to the treasurer of this island for the time being, that the said building has been finished according to the contract and agreement entered into respecting the same, then, and in such case, the said treasurer shall pay to the said contractor the sum which shall appear by the said certificate, to be due and payable under and by virtue of the contract so to be entered into as aforesaid; and the said commissioners or any three of them, are hereby also fully authorized, whenever the said cage shall require to be repaired, to report the same to the House of Assembly, that measures may be immediately taken for making such repairs, it being hereby declared that the new cage shall be constantly kept in repair at the expense of the island.

Clause 3. Commissioners for building the cage appointed, with power to enter into contracts, &c.

And be it further enacted by the authority aforesaid, that all and every person and persons who shall hereafter take up or apprehend any runaway or fugitive Negro or Negroes, or other Slave or Slaves, shall, and he and they is and are hereby ordered and directed in the first place, to bring the said Slave or Slaves, to the treasurer of this island for the time being, and shall before him the said treasurer (or in case of the sickness or absence of the said treasurer, then before any justice of the peace in Bridge Town, who is hereby required to return such affidavit to the said treasurer,) make oath of his name and place of abode, with the time when and the place where he apprehended such fugitive Slave or Slaves, and that he suspects and has good cause to believe that the said Slave or Slaves, is or are runaway, which oath the said treasurer is hereby required to take and enter in a book, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended and by whom, and whether they might be

Clause 4. Persons apprehending runaway Slaves, to take them before the treasurer or (in his absence or sickness) before a justice of the peace, and on making oath as required, to receive twelve shillings and six pence for each Slave.

wrongfully taken up or not; and the said treasurer is hereby directed and required, after such oath as aforesaid, to pay out of the public treasury of this island, to the person or persons so apprehending such Slave or Slaves, and so having made such oath before the said treasurer, or the said justice of the peace as aforesaid, the sum of twelve shillings and sixpence currency for each and every Slave so apprehended as aforesaid; and in case the said treasurer shall neglect or refuse to pay the said sum of twelve shillings and sixpence, the same shall be recovered against the said treasurer on complaint of the person or persons so apprehending such Slave or Slaves, to any justice of the peace, as in the case of servants' wages; and after such oath shall be so taken as aforesaid, the person or persons so apprehending such Slave or Slaves, shall under the penalty of five pounds, to be recovered on the complaint of any person as in the case of servants' wages, carry the same and deliver him, her or them, to the provost marshal of this island, or his lawful deputy or deputies, who is and are hereby strictly charged and required to keep such Slave or Slaves in safe custody according to the provisions of this Act, and to furnish the said Slave or Slaves with good and sufficient food and drink, which is to be proved upon oath, if by the owner of the said Slave or Slaves it shall be required to be done: Provided always, if the said provost marshal suffer any Slave to escape, he shall make such satisfaction to the owner, as by the governor and council shall be thought fit, and shall repay to the said treasurer the said sum of twelve shillings and sixpence, which he paid on apprehending such Slave: and if the said provost marshal shall suffer any Slave to be any ways employed out of the cage before he or she shall be legally released, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of ten pounds currency, to be recovered as aforesaid.

Persons so apprehending Slaves to take them to the provost marshal to be confined in the cage, who is to furnish them with proper food and drink.

Punishment on provost marshal for suffering Slaves to escape, employing them out of the cage.

Clause 5.

Male and female Slaves to be kept in separate apartments, and not more than eleven of each to be confined in the cage at the same time. Their names, and their owners, if known, to be published; after being confined ten days in cage, to be removed to the gaol.

And be it further enacted by the authority aforesaid, that the male and female Slaves confined in the cage be kept in confinement in separate apartments, without any communication between them, and that not more than eleven males and eleven females be kept and confined at the same time in the said cage; and that the names of all such Slaves so confined as aforesaid, together with the names and descriptions of their respective owners, if known, be advertised by the provost marshal, or his lawful deputy, two successive times in the public newspaper of this island, in which the minutes of the House of Assembly for the time being may be printed and published, by order of the said House of Assembly; and after such Slave or Slaves shall be confined in the said cage for the space of ten days, and after such two advertisements as aforesaid, the said two advertisements to be made within the said ten days, such Slave or Slaves shall be sent by the said provost marshal to the common gaol of this island, there to be safely and securely confined. And if such Slave or Slaves shall not be claimed by his or her owner or owners, or his, her, or their lawful agent or agents, attorney or attornies, manager or managers, or other person or persons lawfully authorized to claim the said Slave or Slaves, within three calendar months, commencing from the day on which the said Slave or Slaves may be sent by the said provost marshal to the said gaol, and upon payment of the expenses hereinafter mentioned, it shall and may be lawful to and for the provost marshal of this island for the time being, or his lawful deputy or deputies, as he or they are hereby fully authorized and empowered, to sell and dispose, at public auction, of such Slave or Slaves for the most money that can be obtained for the same; of the time and place of which sale, notice shall be given in the said public newspapers of this island, for two successive times, immediately after the said Slave or Slaves shall have been so confined in the said gaol before such sale takes place, and the money arising from the sale of the said Slave or Slaves shall be paid, by the said provost marshal, into the public treasury of this island, for the uses of the island; and in case the purchaser or purchasers at outcry of such Slave or Slaves, shall not pay to the said provost marshal the sum or sums so bid for such Slave or Slaves within ten days, or in case the said provost marshal, after receiving the same, shall refuse or omit to pay it over to the said treasurer within ten days after he shall have so received the same, then, and in either of such

If not claimed within three months, to be sold, and the money paid into the treasury.

Remedies against purchaser or provost marshal for not paying the money arising by such sale.

cases happening, the same proceedings shall be had against the said purchaser or purchasers, by the said provost marshal, or against the said provost marshal by the said treasurer, as the case may be, for raising the said money with twenty per cent thereon, as are had and used on sales at outcry in the Courts of Common Pleas. Provided always, nevertheless, that if at any time after the sale of such Slave or Slaves, it shall appear to the satisfaction of the governor and council, on application for that purpose, that the owner or owners of such Slave or Slaves so sold as aforesaid, was or were absent from this island, or labouring under any legal disability, so that he or she could not claim the said Slave or Slaves, then, and in such case, it shall and may be lawful to and for the said governor and council to issue their order to the treasurer of this island for the time being, to pay over to such owner or owners the net amount raised at outcry by the sale of his or her Slave or Slaves. Provided always, nevertheless, that if a tenant for life shall not claim such Slave or Slaves at or before the time of sale, and the person or persons entitled in remainder, or any person by him lawfully authorized, shall in his behalf put in a claim for the same, and offer to pay all expenses which have been incurred at the cage and gaol, he shall be entitled to immediate possession in fee of all such Slave or Slaves, and the tenant for life shall forfeit his estate in the same.

Provision for remitting to owners the proceeds of Slaves sold.

Provision that remainder-man may claim Slaves in confinement if tenant for life neglect to do so.

Clause 6.

And be it further enacted by the authority aforesaid, that if, upon any male or female Slaves being brought to the said cage for admission therein, it should happen that the number of Slaves brought for admission, together with the Slaves then in confinement, exceed the number of male and female Slaves allowed by this Act to be confined at one and the same time in the said cage, then, and in such case, those Slaves who have been the longest confined in the said cage, notwithstanding they may not have been there ten days, shall be delivered to the keeper of the common gaol, there to be safely and securely kept. Provided, nevertheless, that the same advertisements as are hereinbefore required to be made, respecting Slaves confined in the cage, shall be made of and concerning the said Slave or Slaves so removed under the circumstances aforesaid, in the same manner as if the said Slaves had remained under confinement in the said cage, save and except that in the said advertisements, or either of them, it shall be stated that the said Slave or Slaves hath or have been removed to the said gaol in consequence of the number of persons therein confined. And such Slave or Slaves so removed from the cage to the gaol aforesaid, previous to the time when they shall have been so removed, shall be sold in the event of not being claimed within three calendar months, after being so sent to the gaol in the same manner, and under and subject to the same rules and regulations as are hereinbefore prescribed, with respect to those Slaves which shall be removed from the cage to the gaol in the regular time prescribed by this Act.

Provision for removing Slaves from the cage to the goal when the number of each may exceed the provisions of the Act, although they may not have been confined ten days.

The like advertisements as when confined in the cage, and similar provisions of sale.

Clause 7.

And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be claimed to be released, either from the said cage or from the gaol, it shall and may be lawful to and for the said provost marshal, or his lawful deputy or deputies, to demand and receive from the owner or owners of such Slave or Slaves, the sum of twelve shillings and sixpence, so paid as aforesaid by the said treasurer, on the apprehending any such runaway Slave or Slaves as aforesaid, and pay the same over to the said treasurer, and until the same be paid it shall be lawful for the said provost marshal to detain and keep such Slave or Slaves in his possession as aforesaid; and the said provost marshal shall also demand and receive the following fees, which must be paid before the said Slave or Slaves shall be delivered up, to wit, the sum of two shillings and sixpence for each Slave who shall have been so confined and delivered, and seven-pence halfpenny for every twenty-four hours for feeding each Slave, and in case the said fees shall not be paid, the said Slave or Slaves shall be sold in the same manner as if no claim had been made. Provided always, and it is hereby further enacted, that the keeper of the cage, or the keeper of the gaol, if the Slave or Slaves shall have been removed to gaol, shall, and each of them is hereby strictly charged and required, before he delivers any Slave or Slaves who shall be claimed, to take a receipt from the person or persons claiming such Slave or Slaves, that he or they have either in his, her, or their own right, or in any other right, claimed and received such Slave or Slaves; and the said receipt shall also contain the name and full

Persons claiming Slaves from cage or gaol, to repay the twelve shillings and sixpence paid by the treasurer or apprehending them, and provost marshal's fees.

Requisites to be observed by keeper of cage or gaol, on delivering of Slaves.

description of the person or persons claiming such Slave or Slaves, together with the place of his, her, or their residence, and also the name and description of the Slave or Slaves so claimed and delivered up, which receipts shall be taken and recorded in one or more proper bound book or books, to be kept for that purpose respectively, by the keeper of the cage, and the keeper of the gaol, which books shall and may be inspected at any time in the day, by any person or persons whomsoever, without any fee or reward being paid for the same.

Clause 8. Provost marshal to be keeper of the cage, and to make a return every month to the clerk of the General Assembly, of particulars respecting confinement and discharge of Slaves: return to be laid before the assembly.

And be it further enacted by the authority aforesaid, that the said cage so to be erected as aforesaid shall be, and the same is hereby expressly declared to be, placed under the immediate care and direction of the provost marshal of this island for the time being, or his lawful deputy, who is hereby declared to be the keeper of the said cage, and to be responsible for the good government and conduct of the same; and the said provost marshal, or his lawful deputy, shall every month make a true, just, and correct return on oath to the clerk of the General Assembly of this island for the time being, of the number of Slaves who have been confined in the said cage, or gaol, the day on which the said Slave or Slaves was or were first confined in the cage, and the day on which discharged, the number sent to gaol, and discharged or sold, which return shall be made according to the schedule hereunto annexed, and shall be laid by the said clerk before the House of Assembly at the meeting succeeding the receipt of the same; and the treasurer of this island for the time being, shall account with the committee of public accounts for all monies received by him by virtue of this Act, in the same manner as he is required to do for any other of the public monies in his hands.

Treasurer to account for the monies received by him.

Clause 9. The magistrates of the island to be visitors of the cage;

And be it further enacted by the authority aforesaid, and it is hereby expressly declared, that the magistrates of this island are the proper and legal inspectors, visitors and supervisors of the said cage, and they, and each and every of them have and hath hereby full and ample power and authority given to and vested in them to visit and inspect the cage whenever they shall think proper so to do, and the said magistrates are, and each and every of them is hereby required to see that the said cage be constantly kept clean and healthy and wholesome, and that good and sufficient food be allowed to the said Slaves in confinement: And should it appear to the said magistrates, any, or either of them, that any abuses are suffered to exist, or that improper conduct is practised by any person or persons having the charge of the said cage, or in any manner connected with or employed in and about the same, then, and in such cases, the said magistrates, any or either of them are and is hereby required to make a report in writing of such conduct or of such abuses to the House of Assembly, at its first sitting after the same shall be discovered, in order that such measures may be adopted and carried into effect as may seem right and expedient to the said House of Assembly.

And to report abuses to the House of Assembly.

Clause 10. Offences committed by keeper of the cage, or his deputies, how to be punished.

And be it further enacted by the authority aforesaid, that if the keeper of the said cage, or his deputy or deputies, shall be guilty of any crime, misdemeanour, or offence, or misbehave himself or themselves, in their respective situations, he or they shall and may be prosecuted at the Court of Grand Sessions for the same, and punished according to the nature of the said crime, misdemeanour, or offence, by fine or imprisonment, or either at the discretion of the said court.

Clause 11. Keeper of the cage, under a penalty, not to receive any Slave in the cage, without certificate from the treasurer.

And be it further enacted by the authority aforesaid, that the keeper of the said cage, shall not receive into the said cage any Slave or Slaves, without such certificate as aforesaid from the treasurer, under a penalty of five pounds, to be recovered, levied, and raised as in the case of servants' wages, on the complaint of any person whomsoever, one half of the said forfeiture to the use of the public, and the other half to the use of the informer.

Read three times and passed the Council unanimously, this 2nd day of December, 1817. (Signed)
W. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly, this 4th day of November, 1817. (Signed)
J. W. E. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor, on the 2nd December, 1817.
(Signed) W. HUSBANDS, Deputy Secretary.

15.

Barbadoes.—An Act for the better Prevention of the Practice of Obeah.

WHEREAS it is expedient to prevent the evils and offences which arise from the wicked acts and pretensions of persons going under the appellation of Obeah men and women; and whereas the provisions now by law made for the prevention of such evils and offences have been found ineffectual for that purpose.

Clause 1.

Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, any person who shall wilfully, maliciously and unlawfully pretend to any magical and supernatural charm or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure and affect the life or health of any other person, or who wilfully and maliciously shall use or carry on the wicked and unlawful practice of Obeah, shall upon conviction thereof suffer death or transportation, as the court by which the said offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Persons pretending to supernatural power, to promote rebellion, or using the unlawful practice of Obeah, to suffer death or transportation.

Clause 2.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, if any person wilfully and maliciously, in the practice of Obeah or otherwise, shall mix or prepare, or have in his or her possession, any poison, or any noxious or destructive substance or thing with an intent to administer to any person (whether the said person be white or black, or a person of colour), or wilfully and maliciously shall actually administer to, or cause to be administered to, or taken by any such person as aforesaid, any poison or any noxious or destructive substance or thing whatsoever, although death may not ensue upon the testimony thereof, every such person, together with his or her counsellors, aiders and abettors, knowing of, and being privy to such evil intentions and offences, shall upon conviction thereof suffer death, transportation, or such other punishment as the court by which such offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Persons practising Obeah, or preparing or having in possession any destructive substance, and administering, or intending to administer the same to any person, together with the abettors, to suffer death, transportation, or other punishment

Clause 3.

And be it further enacted by the authority aforesaid, that from and immediately after the passing of this Act, the Act entitled "An Act for the Punishment of Slaves found practising Obeah," shall be and the same is hereby repealed and made void to all intents and purposes.

Former Obeah Act repealed.

Read three times and passed the Council unanimously this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly, *nem. con.* this thirtieth day of June, one thousand eight hundred and eighteen.

(Signed)

JOHN WM. ED. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor on the 28th day of July, 1818.

(Signed) WM. HUSBANDS, Deputy Secretary.

16.

Barbadoes.—An Act to repeal and amend certain Acts made for the Government and Protection of Slaves.

WHEREAS certain parts of the Acts of this island, passed for the governing of Slaves, have long since been and now are wholly and altogether

obsolete and of no force and effect: But whereas, by reason of the many false accusations and wicked contrivances, made and used by certain evil disposed persons, against the character and well-being of the British settlements in the West Indies, it is expedient to repeal by a positive enactment such parts of the said Acts and Statutes.

Clause 1. Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the Members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that the fifth Clause of a certain Act or Statute of this island, entitled "An Act for the Governing of Negroes," being number eighty-two in Hall's Laws of Barbadoes, be, and the same is hereby repealed and made void.

5th Clause of No. 82, Hall's Laws repealed.

Clause 2. And be it further enacted by the authority aforesaid, that an Act or Statute of this island, entitled "An additional Act to an Act entitled an Act for the Governing of Negroes," and which is mentioned as number ninety-two in Hall's Laws of Barbadoes, shall be and the same is hereby repealed.

No. 92 Hall's Laws repealed.

And whereas doubts have arisen respecting the true construction, intent, and meaning of a certain Act which passed in the year one thousand eight hundred and five, and entitled "An Act for the better Protection of the Slaves of this island."

The Act of 1805, for the better protection of Slaves, repealed.

Clause 3. Be it therefore enacted by the authority aforesaid, that the said Act shall, and the same is hereby declared to be null and void.

Clause 4. And be it further enacted by the authority aforesaid, that if any person shall hereafter wilfully and maliciously kill and murder any Slave, whether such Slave be the property of the person so killing and murdering, or of any other person, such person so killing and murdering being duly convicted thereof by the evidence of one or more competent witness or witnesses, at a court of Grand Sessions, shall suffer death without benefit of clergy: Provided, nevertheless, that any person so convicted of such murder of a Slave shall not thereby forfeit his lands, Negroes, goods or chattels, any law to the contrary in anywise notwithstanding.

The wilful murder of a Slave made felony, without benefit of Clergy.

Excepting the forfeiture of lands, &c.

Read three times and passed the Council unanimously, this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly *nem. con.*, this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed)

JOHN WM. ED. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor, on the 29th day of July, 1818.

(Signed) WM. HUSBANDS, Deputy Secretary.

17.

Barbadoes.—An Act for the better Prevention of the Practice of Obeah.

WHEREAS it is expedient to prevent the evils and offences which arise from the wicked acts and pretensions of persons going under the appellation of Obeah men and women; and whereas the provisions now by law made for the prevention of such evils and offences have been found ineffectual for that purpose.

Clause 1. Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General, and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the

same, that from and after the passing of this Act, any person who shall wilfully, maliciously, and unlawfully pretend to any magical and supernatural claim or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure and affect the life or health of any other person, or who wilfully and maliciously, shall use or carry on the wicked and unlawful practice of Obeah, shall, upon conviction thereof before two justices of the peace and three freeholders, if the person offending be a Slave, and before the Court of Grand Sessions if a free person, suffer death or transportation as the court by which the said offender may be tried, shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Persons pretending to supernatural power to promote rebellion, or using the unlawful practice of Obeah, to suffer death or transportation.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, if any person wilfully and maliciously in the practice of Obeah or otherwise, shall mix or prepare, or have in his or her possession, any poison, or any destructive substance or thing, with an intent to administer to any person (whether the said person be white or black or a person of colour), or wilfully and maliciously shall actually administer to or cause to be administered to or taken by any such person as aforesaid, any poison or any destructive substance or thing whatsoever, although death may not ensue, upon the testimony thereof, every such person, together with his or her counsellors, aiders, and abettors, knowing of, and being privy to such evil intentions and offences, shall, upon conviction thereof before two justices of the peace and three freeholders, if the person offending be a Slave, and before the Court of Grand Sessions, if a free person, suffer death, transportation, or such other punishment as the court by which such offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Clause 2. Persons practising Obeah, or preparing or having in possession any destructive substance, and administering or intending to administer the same to any person together with the abettors, to suffer death, transportation, or other punishment.

And be it further enacted by the authority aforesaid, that from and immediately after the passing of this Act, the Act entitled "An Act for the punishment of Slaves found practising Obeah" shall be and the same is hereby repealed and made void to all intents and purposes whatsoever.

Clause 3. Former Obeah Act repealed.

Read three times and passed the Council unanimously the twenty-fifth day of May, one thousand eight hundred and nineteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly *nem. con.*, this fourth day of May, one thousand eight hundred and nineteen.

(Signed) R. B. FARLEY, officiating acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor on the 26th day of May, 1819. (Signed) WILLIAM HUSBANDS, Deputy Secretary.

18.

October 23rd, 1826.

May it please your Excellency.

THE Consolidation Slave Bill having passed the House of Assembly, and also the Honourable Board of Council, I presume it will be satisfactory to your Excellency to be informed of the reasons which influenced the House in not adopting certain of the recommendations contained in Lord Bathurst's Despatch of the 9th of July 1823. The Assembly throughout their discussions, on the reconsideration of this most important Bill, felt it a sacred duty which they owed to their country, their constituents, and themselves, whilst anxiously disposed to meet the views and wishes of His Majesty's government, not to lose sight of "the safety of the inhabitants, the interest of their property, and the welfare of the Slaves themselves." Acting on these considerations, the Assembly, with all due deference to Earl Bathurst, found that they could not yield to his Lordship's recommendations to prohibit the punishment of women by flogging, and the use of the whip in the field. To forbid by legislative enactment the

flogging of female Slaves, would, in the judgment of the Assembly, be productive of most injurious consequences: although the knowledge that they can be so punished, tends in some degree to act as a restraint on their conduct, yet the Assembly, from experience, are justified in saying that female Slaves evince, at all times, a greater disregard to the authority of their owners than the male Slaves: to deprive an owner of this mode of enforcing obedience, or punishing disorderly conduct, would tend to encourage a stronger disposition to insubordination. If imprisonment were to be substituted, it would either lead to offences, for which they ought to be punished, being passed over unnoticed, or owners must in turn submit to the punishment of being deprived of the services of their Slaves during such imprisonment. In the case of owners possessed of only one or two Slaves (being females) employed in the domestic duties of a family, it is quite apparent how very objectionable must be the change from flogging to imprisonment.

Considerations not less powerful prevailed with the Assembly respecting the disuse of the whip in the field: whilst the power of summary punishment by flogging, when necessary, and which is considered to be inseparable from a state of Slavery is permitted to Slave owners, the Assembly have fully provided against the abuse or cruel exercise of it.

The recording of punishment by whipping being consequent upon limiting it to a given number of stripes, and the Assembly being of opinion that in the hands of a relentless executioner, a given number of stripes might, under the sanction of law, be so inflicted as to amount to an act of cruelty, thought that the ends of humanity would be best consulted, and unfeeling owners the more effectually restrained, by leaving it to the justices before whom complaints for such offences might be brought, to determine upon the fact of cruelty from the circumstances of the case, without any reference to the specific mode or quantity of punishment; wherefore the Assembly could not think it advisable to adopt the regulation on this head, which was pointed out to them by Lord Bathurst.

Compulsory manumission is such a direct invasion of the right of property hitherto secured by repeated Acts of the colonial legislature, and of the imperial parliament, that the Assembly felt they could not, without violating the sacred trust reposed in them by their constituents, contemplate a measure absolutely destructive of that right by investing Slaves with the power at their own will, and against the will of their owners, of purchasing their freedom.

If this were once admitted, there would be an end of all security to mortgagees and others holding claims on West India properties, and the certain ruin of owners would be identified in the measure. Any attempt at compensation to guard against the ruinous consequences of compulsory manumission could only prove delusive. Slaves as well as owners must and would become the unhappy victims of a change, destructive of that system of colonial policy which has so long existed, and which has hitherto upheld the importance of the mother country and contributed to the support and well-being not only of a large portion of His Majesty's loyal and dutiful subjects, but to the comfort and happiness of the Slaves themselves. The average number of effective Slaves on a plantation, is in general about one-third of the whole, the other two-thirds consisting of infants, and the aged and infirm. These effective Slaves, by whose labour the others are supported, and a return of capital produced for the benefit of the owner or mortgagee, would be the first and only number that could take advantage of the right to purchase their freedom; supposing then a plantation to consist of a hundred and fifty Slaves, and to be worth, together with the buildings, implements and stock, the sum of forty thousand pounds, the fifty effective Slaves by whose labour the establishment is upheld may in a few years be withdrawn from the plantation by the operation of the proposed compulsory manumission, and of course the plantation would not only cease to make any return to the owner, mortgagee, or others having claims on it, but the remaining two-thirds of the Slaves, consisting of infants, and the aged and infirm, would be deprived of the means of support, as the owner would no longer have it in his power to compel those that were freed, to labour

for the support either of the remaining Slaves or himself; and it is a known fact that without compulsion they will not engage in agricultural labour. Wages will not induce them to undertake it, even if the owner could afford to give wages; a state of Slavery alone can ensure such labour from them; unless therefore, it is intended at once to ruin this colony and all connected with it, and to convert every plantation into a poor-house, the theoretical plan of compulsory manumission, must, in the judgment of the Assembly, be abandoned. It would be mere delusion to hold out to the owner of a plantation the hope of compensation for any loss which he may sustain under the operation of compulsory manumission, when it is evident that a few years may deprive him of the whole of his effective Slaves, or of so large a number of them as to leave the establishment in his hands utterly valueless: if compensation is to be looked for only from the Slaves who may claim to be allowed to purchase and withdraw themselves from a plantation, how extremely delusive must be the scheme, when it is seen that less than forty thousand pounds would not indemnify an owner for the loss of his effective Slaves, taking the number at fifty on a plantation consisting of one hundred and fifty. With this view of the subject, the Assembly could not, consistently with their duty to their king and their country, establish by legislative enactment, a power under which not only settled rights, but this hitherto proud and valuable appendage of the crown would fall prostrate and ruined at the shrine of compulsory manumission. As an earnest of the wish of the Assembly to facilitate the manumission of Slaves, they have concurred with the Council, since the passing of the Slave Consolidation Bill, in giving effect to a measure by which all impediments on the score of pecuniary fines are unconditionally removed.

The Assembly have not in direct terms adopted his Lordship's suggestions respecting the establishment of savings banks as the means of protecting the property of Slaves, but they trust his Lordship will be satisfied that they have, in the spirit of true sincerity, provided for Slaves the full security and enjoyment of their property.

As regards the sale of Slaves in satisfaction of the debts of their owners, the Assembly when considering the subject, found that it was surrounded with difficulties even greater than those apprehended by his Lordship, but they are happy to say that the essential part of the regulations which his Lordship desires to be adopted, have long since been established, not only in practice but by the enactment No. 84, in Hall's Laws, which enjoins the marshal, when selling Slaves under executions, to dispose of them in lots not exceeding five in number, unless there shall be more than five of one family, in which case he is required to sell the *whole family in one lot.* On this head the Assembly are not prepared at present to make further provision; it is, however, worthy of remark, that the non-separation of families drew from the Legislature of this colony, the enactment above alluded to, so far back as the year 1688, and that it takes a wider range than that now contemplated by his Lordship, for it will be observed that his Lordship only proposes to limit the separation of parent and child, when the latter may be under the age of fourteen years.

Having said thus much respecting the several points contained in his Lordship's despatch, which the Assembly could not, consistently with the sacred trust reposed in them, and a just regard to the safety of all, adopt and imbody in the Consolidation Bill, I now proceed to inform your Excellency of the particulars attending the progress of the bill, for a fourth time, through the House. The objections taken by Lord Bathurst to the Consolidation Bill which passed the Legislature during the last session, were most attentively considered, and the several clauses to which they referred, so altered or modified, as to lead the House to hope that those particular points when brought again under his Lordship's review, will readily meet his approbation. The House then proceeded to a full and general reconsideration of the very important subject on which they were legislating, when the mode of trial of Slaves charged with capital offences by three justices and a jury of twelve freeholders, as originally provided in the bill, was, without a dissenting voice, altered to a trial at our regular Court of Grand Sessions, in the same manner as the white and free coloured inha-

bitants of the island; and with an anxious desire to afford the readiest means of ensuring to Slaves their just rights, and of protecting them from injustice and oppression, the House unanimously passed a clause and added it to the bill appointing a committee of protection with an acting protector under them, at an annual salary of four hundred pounds payable from the Colonial Treasury. The only point of the bill on which any decided difference of opinion prevailed in the House, was the admission of Slave evidence; but after considerable discussion it was thought by a large majority of members, that its exclusion would materially interfere with the provisions adopted for their protection, and therefore clauses granting that privilege to Slaves were moved and carried, and now form a part of the present bill: this provision was omitted in the former bill.

The advocates of this measure conceiving that more could with safety be conceded on this head, than was proposed by Lord Bathurst, did not hesitate to extend the benefit thus designed for the Slaves beyond the line laid down by his Lordship, as will be seen by a comparison of those clauses with his Lordship's recommendation.

Provisions for the abolition of the Sunday market, the baptism and marriage of Slaves, and their religious instruction, are to be found in a separate bill, which passed the House and the Honourable Board of Council at their last meeting.

I have thus endeavoured to give to your excellency a statement of the proceedings of the House, with the reasons which influenced them in not adopting some of the recommendations contained in his Lordship's despatch of the 9th of July, 1823, and I am justified in adding, that throughout their deliberations an honest and conscientious feeling pervaded the minds of all to go the utmost length that prudence would allow in giving effect to the wishes of His Majesty's ministers, to whom they now look up in full confidence that the time which they have so anxiously passed in maturing the measure for His Majesty's consideration, will, through their advice, receive the high reward which His Majesty's gracious confirmation of the bill would confer. I have, &c.

(Signed) ROBERT HAYNES, Speaker.

To his Excellency Sir Henry Warde, K. C. B.
&c. &c. &c.

19.

The Council has the honour to forward to his Excellency the governor, a copy of this day's proceedings, accompanied by a copy of a supplemental bill to the Consolidation Slave Bill, which unanimously passed the Council, and which they regret to say has been rejected by the House of Assembly.

Council Chambers, 17th October, 1826.

Barbadoes.—A Supplemental Act to an Act entitled "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the mode of Trial of those charged with capital and other Offences and for other Purposes."

WHEREAS certain other regulations are deemed necessary to satisfy the wishes of His Majesty's government, touching the melioration of the condition of Slavery in this colony: And whereas the Legislature is willing to go to the utmost length that reason or prudence would sanction in furtherance of those wishes: Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the Most Honourable Military Order of the Bath, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the honourable the members of His Majesty's Council, and the General Assembly of this island, and by

Clause 1.

the authority of the same, that from and after the passing of the aforementioned Act, entitled "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, &c.," no master, owner, or overseer of Slaves, shall allow any driver, or person exercising the authority of driver, to carry a whip of any description into the field in which the people under his direction are at work.

Clause 2. And be it further enacted by the authority aforesaid, that the punishment by flogging shall not be inflicted by or on behalf of the master, upon females above fourteen years of age, except in the execution of the sentence of a magistrate or other court.

Clause 3. And be it further enacted by the authority aforesaid, that any person who shall be convicted before two justices of the peace, by one or more competent witnesses, of having violated either of the foregoing clauses of this Act, shall be fined in a sum not less than five pounds current money, nor exceeding fifty, to be applied to the uses of the island.

Clause 4. And it is hereby declared and enacted by the authority aforesaid, that every Slave shall have and enjoy absolute right and control over any property which he or she may be lawfully possessed of, that he may dispose of it at pleasure, either by will or otherwise without the knowledge or consent of his master; that he may sue or be sued at law for all matters relating to it: Provided always, that a Slave contracting debts, or condemned to pay costs or damages, shall only be liable to the extent of such property as he or she may actually possess, and that no Slave shall be subject to personal arrest for any debts, cost, or damages, which he or she may have incurred: and provided also that no Slave shall have a right to keep cows, hogs, sheep, or other stock on lands belonging to his master without his consent.

Clause 5. Provided always, and be it further enacted by the authority aforesaid, that this Act, or anything herein contained, shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the Council unanimously, this seventeenth day of October, one thousand eight hundred and twenty-six.

(Signed) WILLIAM HUSBANDS, Deputy Clerk of Council.

At a meeting of the Honourable Board of Legislative Council, in Council Chamber, at the Town Hall, on the 17th October, 1826.

Present, The Honourables,

Sir Reynold A. Alleyne, Bart. John R. Best, Renn Hamden, Honourable and Reverend John H. Gittens, Nathan Lucas, Philip L. Hinds.

The last Minutes were then read and confirmed.

The following message was then prepared to the House of Assembly and taken down by the clerk.

"The Council requests the favour of a short conference with the House of Assembly on the subject of the Slave Bill."

"Council Chamber, 17th October, 1826."

To which the following was received in reply.

"The House of Assembly, in reply to the message with which they have just been honoured from the Honourable Board of Council, requesting a short conference on the subject of the Slave Bill, beg to say that they are ready to enter on the conference."

"House of Assembly, 17th October, 1826."

The Council accordingly retired to meet the House of Assembly.

After some time the Council again returned into the Council Chamber, when Mr. Hamden rose and said, That although it appeared to be the unanimous opinion of this Board, that the Bill which has been sent up by the House of Assembly is so defective, that there is no chance of its obtaining His Majesty's assent, and having also failed in our efforts at the conference with

the other House, from which we have just retired, to impress this conviction upon that House, yet he would recommend that this Board should manifest their readiness to further every attempt at improving the Slave Code by passing the Bill, imperfect as we esteem it, and follow it up immediately with a Supplemental Bill, embracing certain points which His Majesty's ministers, have so repeatedly urged upon us as indispensable to an effectual amelioration of the condition of the Slaves:—He therefore moved the second reading of " An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act, the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with capital and other Offences, and for other Purposes." Upon which Sir Reynold Alleyne rose and said, he had great pleasure in seconding Mr. Hamden's motion, as he cordially coincided in all that that honourable gentleman had said on the subject of the Slave Consolidation Bill. The said Act was accordingly read a second and third time, and passed the Council unanimously.

Mr. Hamden then rose and moved that the Act which he now delivered in, entitled " A Supplemental Act to an Act, entitled An Act to repeal several Acts and Clauses of Acts respecting Slaves, &c." be read, and being seconded by Sir Reynold Alleyne, the rule for sending it round was suspended, and the same was accordingly read three times and passed the Council unanimously, and the clerk being desired immediately took it down to the House of Assembly, and on his return reported the delivery thereof.

On the question being put for the second reading of the Act, entitled " An Act for the Encouragement of Baptisms and Marriages amongst the Slaves, and for the due Observance of the Lord's day, commonly called Sunday, Christmas day, and Good Friday," Mr. Hinds rose and opposed the same, for the reasons which he had assigned at the last meeting. Mr. Gittins, Mr. Best, and Mr. Lucas voted for the second reading. Mr. Hamden opposed it on the ground that he considered the total abolition of the Sunday market would bear hard upon the Slave population. Sir Reynold Alleyne voted for it; the said Act was therefore read a second and third time and passed the Council, Mr. Hinds and Mr. Hamden dissenting.

Mr. Bascom and Mr. St. Hill then came into the Council Chamber, and delivered in an Act entitled " An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this Island, and to repeal certain Acts and parts of Acts relating thereto," which having passed the Council during the administration of Mr. President Skeete, became necessary that it should be altered; the alterations being accordingly made, the said Act was again read, and passed the Council unanimously, and the clerk was then required to take it down to the Assembly.

The Council then prepared the following message to his Excellency the Governor:—

" The Council has the honour to forward to his Excellency the Governor the minutes of this day's proceedings, accompanied by a copy of a supplemental Bill to the Consolidation Slave Bill, which unanimously passed the Council, and which they regret to say has been rejected by the House of Assembly.

Council Chamber, 17*th October*, 1826."

This honourable board then adjourned.

Minute of the Conference between the Council and the House of Assembly.

In the conference it was stated by the Board of Council that they had read the Slave Act once, and were perfectly convinced it would not satisfy the views of the government on the subject; that some of the most material of the recommendations of the government were wholly omitted, and for full execution of which Lord Bathurst in the House of Lords, and Mr. Canning in the House of Commons stood pledged to the people of England; they had, therefore drawn up a supplemental Act, which they thought comprised these objects, though this they conceived would be more eligibly accomplished by imbodying them in the Bill itself; the speaker then said,

that as the organ of that House he could say that the House would make no addition whatever to the Bill. Some other desultory observations were made, and the conference ended.

No. 2. (Bill.)

Barbadoes.—An Act for the Encouragement of Baptisms and Marriages amongst the Slaves, and for the due Observance of the Lord's Day, commonly called Sunday, Christmas Day, and Good Friday.

WHEREAS His Majesty has been graciously pleased to erect this and several of the neighbouring colonies into an Episcopal See, and to make effectual provision for the religious instruction of the Negroes of this island. And whereas the encouragement of baptisms and marriages amongst the Slaves, and the due observance of the Lord's day, commonly called Sunday, and Christmas day, and Good Friday, are essentially necessary to the furtherance of this object: Be it therefore enacted by his Excellency Sir Henry Warde, Knight Commander of the most Honourable Military Order of the Bath, His Majesty's Captain General and Governor-in-chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all owners or possessors of Slaves, and their agents, attornies, and representatives in this island, shall, as much as in them lies, endeavour to instruct their Slaves in the principles of the Christian religion, and shall cause to be baptized by any clergyman of the established church of England, all their Slaves hereafter to be born, and also all such of their Slaves already born, as shall be made sensible of the duties of the Christian faith.

Clause 1.

Owners of Slaves to instruct them in the Christian religion, and cause them to be baptized.

And be it further enacted by the authority aforesaid, that if any persons who are in a state of Slavery, being the property of the same owner, shall be desirous to intermarry, any clergyman of the established church shall and may solemnize the marriage on the said Slave's producing the consent in writing of the owner, his or her attorney, agent, or representative, to the celebration thereof: Provided, nevertheless, that such marriages shall not confer on the parties or their issue, any rights inconsistent with the duties which Slaves owe to their owners or to the government, or at varience with those rights which the owners or the government, are by law entitled to assert over the Slaves and their progeny, or subject such Slaves so intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

Clause 2.

Slaves, the property of the same owner may intermarry with owner's consent.

Such marriages not to confer rights inconsistent with Slavery.

And be it further enacted by the authority aforesaid, that the officiating clergyman of the several and respective parishes of this island for the time being shall, and they are hereby directed to keep a register of the several baptisms, marriages, and burials of Slaves, which shall be celebrated and performed in their several and respective parishes according to the rites and ceremonies of the church of England, such register to be kept after the manner and according to the rules, orders, and regulations which the said Lords Bishops of the Diocese shall or may deem requisite for the full and effectual registrations of such baptisms, marriages, and burials.

Clause 3.

Registers of baptisms, marriages, and burials of Slaves to be kept in the several parishes.

And as it has been customary for Slaves to bring the produce of their labours to market on other days than Sundays: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all Sunday markets throughout this island shall cease, and be absolutely unlawful, and if any person or persons whomsoever shall publicly shew forth or expose for sale any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise, or other articles whatsoever on the Lord's day, called Sunday, or on Christmas day or Good Friday, in any of the streets, highways, wharfs, lanes, or other place within any part of this island, such person or persons shall forfeit the goods or articles so exposed for sale, and it shall be lawful for the clerk of the market or his

Clause 4.

Sunday markets declared unlawful;—articles exposed for sale on Sunday, Christmas day, or GoodFriday, forfeited and to be seized and carried before a magistrate to be condemned.

deputies, or for any constable, and they are respectively hereby required to seize the goods or articles so exposed for sale, and to take or cause them to be taken before any magistrate, who upon view of such goods or articles so exposed, shall order the same to be sold forthwith, and the proceeds thereof applied and disposed of as follows; that is to say, one moiety to the person seizing the same, and the other moiety to be paid into the public treasury.

Clause 5. Persons of free condition not to open their shops, nor sell or purchase any articles (excepting medicines) on Sunday, Christmas day, or Good Friday, under the penalty of five pounds.

And be it further enacted by the authority aforesaid, that no person of free condition shall open their shops, or any part of their premises for the sale, barter, or purchase of, nor shall sell, barter, or purchase any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise, or other articles whatsoever, (save and except drugs and medicines) on the Lord's day called Sunday, or on Christmas-day, or Good Friday, under a penalty of five pounds current money, to be recovered on complaint before any justice of the peace as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury; and if any Slave shall be guilty of any offence against the provisions of this clause, such Slave shall and may be whipped by order of any justice of the peace not exceeding twenty-five stripes.

Slaves so offending to be whipped.

Clause 6. Persons not to employ Slaves, under a penalty, to work on Sundays.

And be it further enacted by the authority aforesaid, that if any person or persons within this island, shall work or employ any Slave at any time between the hour of eight of the clock in the evening of any Saturday, and the hour of five of the clock in the morning of any Monday, or shall during that period procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending, shall incur and become liable to a fine not exceeding ten pounds, nor less than five pounds, to be recovered on complaint before any justice of the peace, as in the case of servants' wages; one moiety to the informer, and the other moiety to be paid into the public treasury. Provided, nevertheless, that nothing herein contained shall extend or be construed to extend, to any work or labour which any Slave may perform on Sunday in the necessary attendance upon the person, or in the family of his or her owner or employer, or in the necessary and unavoidable tending and preservation of the cattle or live stock, or in the offices of watchmen, cooks or nurses upon any plantation, or in the prevention or repair of any damage arising from irruptions of water, conflagrations, hurricanes, and other casualties of a like nature; nor to the persons who may be employed in the manufacture or casking of sugar, provided that such manufacture shall not be extended beyond ten of the clock on Saturday night, or the casking beyond ten of the clock on Sunday morning; nor to persons employed in the sale of bread, fresh fish, milk, or horse meat; provided the same does not take place during the hours appointed and set apart for divine service; nor to the dressing and selling of meats and other food in inns or taverns. Provided always, that nothing in this Act contained, shall operate to prevent the market-houses in the several towns of this island, and all butchers' stalls throughout the island, from being kept open until nine o'clock of the morning of any Sunday or Christmas-day, for the sale of butcher's meat. And provided also, that no person shall be proceeded against for any offence under this Act, unless complaint thereof be made within one calendar month after the commission of such offence.

Except in the necessary attendance upon owner's person or family.

Provision for selling bread, &c. on Sundays, and the opening of markets for sale of butcher's meat.

Clause 7. Act not to be in force until the King's pleasure be known.

Provided always, and be it further enacted by the authority aforesaid, that this Act, or anything herein contained, shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the Council, this seventeenth day of October one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times, and passed the General Assembly, *nemine contradicente*, this third day of October, one thousand eight hundred and twenty-six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

(Signed) HENRY WARDE.

Assented to by his Excellency the Governor, on the twenty-third day of October, one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Secretary.

No. 3, Bill (accompanied by four Vouchers.)

Barbadoes.—(No. 487.) An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this Island, and to repeal certain Acts and parts of Acts relating thereto.

WHEREAS it is deemed expedient to remove the necessity of depositing any sum of money on the manumission of a Slave in this island, and also to extend the benefit of testimony to such free persons as have been manumitted since the fifth day of February, one thousand eight hundred and seventeen, by deeds not executed in this island.

Clause 1.

Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the most Honourable Military Order of the Bath, His Majesty's Captain General and Governor in Chief of this Island, Chancellor, Ordinary and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all deeds of manumission, executed within this island, shall be proved and recorded in the secretary's office of this island within ten days after the date of the execution of the same, which shall be effectual to manumit and set free any Slave to whom such deed of manumission is given without the payment of any sum of money into the hands of the churchwarden of any parish in this island, anything in any other Act of this island to the contrary notwithstanding.

Manumission if recorded within ten days after execution, effectual to free Slaves, without payment of any sum of money.

Clause 2.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the sixth clause of an Act of this island, entitled "An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and support for such Negroes, Indians, and Mulattoes as hereafter shall be manumitted or set free, and also for preventing certain Inconveniences from them arising to the inhabitants of this Island," passed the twenty-seventh day of February, one thousand seven hundred and thirty-nine: And also an Act of this island, entitled "An Act to amend an Act of this Island, entitled an Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and support for such Negroes, Indians, and Mulattoes as hereafter shall be manumitted or set free, as also for preventing certain Inconveniences from them arising to the inhabitants of this Island," passed the twenty-second day of January, one thousand seven hundred and eighty-three: And also the second clause of another Act of this island, entitled "An Act allowing the Testimony of Free Negroes and Free People of Colour to be taken in all cases," passed the fifth day of February, one thousand eight hundred and seventeen, shall be and the same are hereby repealed and made null and void.

No. 180 of Hall's Laws respecting the manumission of Slaves, and No. 32 of Moore's Laws on same subject repealed.

2d clause of the Act of 1817, restricting the testimony of free persons, repealed.

Read three times and passed the Council unanimously, the seventeenth day of October, one thousand eight hundred and twenty-six,

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read and passed the General Assembly, this seventeenth day of October, one thousand eight hundred and twenty-six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

No. 1. (Voucher).

Barbadoes.—An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes as shall be hereafter manumitted or set free, and also for preventing certain Inconveniences from them arising to the Inhabitants of this Island.

WHEREAS the sentence of death passed by the justices and freeholders in pursuance of an Act of this island bearing date the eighth day of August, one thousand six hundred and eighty-eight, entitled "An Act for the Governing of Negroes," against any Negro or other Slave tried before them is immediately put into execution, without any stay or respite, whereby the owner or possessor of such Negro or other Slave is prevented from bringing a writ of error to reverse the judgment or sentence, which in some instances hath been thought erroneous, and many times by the malice or ill-will of the prosecutor, as well as by the obstinacy of the owner or possessor of the Slave complained against, the pains of death hath, in pursuance of the letter or construction of the said Act been inflicted on such Slave, when more proper and effectual methods might have been used if the justices and freeholders had been empowered so to do, and thereby the large sums of money that have been paid out of the treasury for such executed Slave might and ought to have been saved, as well as the life of such Slave preserved. And whereas many persons in this island having manumitted and set free several Negroes and other Slaves without making proper provision for their maintenance and support, they continuing their baseness, have, instead of supporting themselves by honest labour and industry, through idleness and other vices, been greatly injurious to the inhabitants, in enticing and corrupting other Slaves to steal, and rob their owners, presuming that as they cannot be tried as Slaves, the evidence or testimony of a Slave, cannot legally be received against them, and thereby have hitherto escaped with impunity. To prevent and remedy the mischiefs and inconveniences before mentioned from happening hereafter; be it enacted by his Excellency the Honourable Robert Byng, Esq. Captain-general and Governor-in-chief of this and all other His Majesty's Caribbee Islands to windward of Guadaloupe, &c. The Honourable the members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same; that for the future, if the justices and freeholders, or the major part of them, on the trial of any Negro or other Slave or Slaves for life, for any the crimes mentioned in the Act or statute aforesaid, shall find that the matters charged are not of a heinous nature, nor the criminal or criminals not to be an old offender or offenders, and shall think him, her, or them, an object deserving less severity, the said justices and freeholders, or the major part of them shall and they are hereby directed and empowered to use their best endeavours to compromise the offence between the prosecutor and owner or possessor of such Negro or Slave or Slaves, and prescribe such proper and effectual methods between both parties as to the said justices and freeholders or the major part of them, shall appear to be most requisite and equitable for saving the life of such Slave or Slaves, and for satisfying and repairing the loss or injury done to the prosecutor, who shall, and is hereby entitled to demand from the said justices an execution which they are hereby directed and empowered to issue to be proceeded on as in case of servants' wages against the owner or possessor of any Slave or Slaves, for the sum agreed to be paid in satisfaction for such offence, and not complied with to such prosecutor. Yet if the means so prescribed, shall not be agreed to by both or either of the parties concerned, but they, either, or any of them, shall insist to have the said Slave or Slaves condemned, and executed, according to the strict words and appointments of the said Act, then and in such case, the said justices shall commit such Slave or Slaves to the common gaol of this island, and shall certify the whole evidence and all

Justices and freeholders trying Slaves for life where the offences are not heinous nor the criminals old offenders, may compromise the matter or certify the same to the governor and council, who are empowered to do what they think just.

their proceedings with their opinion concerning the said Slave or Slaves to the governor or commander in chief of this island for the time being, and council, who shall and are hereby empowered and humbly desired to hear and determine the same, and do therein what they think just and equitable in either confirming, disapproving or altering the appointments made by the said justices and freeholders to prevent the execution of the said Slave or Slaves, or to direct the said justices and freeholders strictly to put the said law in force against the offender or offenders, who shall at the owner's or possessor's charge and expense continue in the common gaol of this island till such determination shall be had and made.

Sentence of death being passed on a Slave and appeal moved for; execution to be stayed for ten days to obtain writ of error.

And be it further enacted by the authority aforesaid, that if on the trial of any Negro, or other Slave or Slaves, before the said justices and freeholders, and after judgment of death shall be given thereon, the owner or possessor of such Negro or other Slave or Slaves, or any person in his, her, or their behalf shall desire to appeal from such judgment, the execution of such Slave or Slaves shall and is hereby directed to be stayed for the space of ten days, that such owner or possessor may have time to apply to the governor or commander in chief of this island for the time being, for a writ of error for transmitting the papers and proceedings of such trial to the court of errors, there to be heard and determined, and in the mean time the criminal or criminals shall by the said justices be committed to the common gaol of this island, there to continue at the owner's or possessor's charge and expense, closely confined till the said ten days shall be expired, or till such writ of error shall be heard and determined, and the said court of errors shall, and is hereby fully authorized and empowered to give such judgment as may be proper according as the circumstances of the case shall appear, without being strictly confined, only to affirm or reverse the judgment or sentence of the said justices and freeholders, and such judgment so to be given by the said court of errors shall, and is hereby declared to be binding and conclusive, and be strictly observed by all parties concerned.

Court of error to give judgment as they may think fit.

Costs to be awarded against persons making vexatious appeals.

And be it further enacted by the authority aforesaid, that the governor or commander in chief of this island for the time being, and council shall be, and they are hereby empowered and humbly desired if they think fit, to award cost against any person who shall appear to be obstinate or vexatious in not complying with what the justices and freeholders direct or appoint, or for bringing a writ of error for their judgment without having good cause for so doing.

The sums given by former Act for apprehending runaway Slaves not to be paid unless a guard was raised for the purpose.

And be it further enacted by the authority aforesaid, that no person whatsoever who shall hereafter apprehend or take up any Negro or other Slave or Slaves that hath or have been runaway from his, her, or their owner or possessor, for above the space of six or twelve months, shall be entitled to demand and receive the respective sums mentioned and appointed in the said Act entitled "An Act for the governing of Negroes," unless it shall appear that a guard was on purpose raised for seizing and apprehending such Slave or Slaves, and that it was with very great difficulty he, she, or they, was or were apprehended; but the sum to be paid for taking up such Slave or Slaves, if the owner or possessor and the constable or other person disagree about the same, shall be settled and determined by the nearest justice of the peace to the habitation of the owner or possessor not exceeding the sum of ten shillings for six months, and twenty shillings for twelve months, and such justice shall and is hereby empowered to cause the sum he shall think reasonable to be paid, not exceeding the sums aforesaid, to be raised as in the case of servants' wages.

Testimony of Slaves with corroborating circumstances to be received against free persons.

And be it further enacted by the authority aforesaid, that hereafter the evidence or testimony of any Slave, where the same is supported with very good and sufficient corroborating circumstances, against any free Negro, Indian, or Mulatto, whether baptized or not, shall be received, allowed, and taken before any justice of the peace, or in any court of record or other judicature in this island, and shall be deemed and adjudged as the same is hereby declared to be as good, valid, and effectual in the law, to

all intents and purposes whatsoever, as if the Slave giving evidence or testimony was free, baptized, and not under servitude or bondage to any person whatsoever.

And be it further enacted by the authority aforesaid, that whoever shall hereafter by deed, or will, or by any other ways or means whatsoever manumit, set free, or discharge from Slavery any Negro or other Slave or Slaves, such person or persons shall for the better support of such Negro or Slave, and to prevent their becoming burthensome to the parish in which he, she, or they, shall live or reside, deposit, or direct to be paid into the hands of the churchwarden for the time being of the said parish, for each Negro or other Slave so manumitted, set free, or discharged from Slavery, the sum of fifty pounds current money, to be by the said churchwarden and the vestry of the said parish for the time being improved to the best advantage; and the said vestry shall direct and appoint the sum of four pounds current money for the maintenance and support of such person so manumitted and set free, to be annually paid to him or her; and in case such person or persons shall neglect or refuse to deposit, or direct such sum to be paid for the purpose aforesaid, the same shall by the churchwarden for the time being, immediately after such manumission or freedom be recovered by action in the court of common pleas for the proper precinct, or by a suit in equity against the person or persons, or his, her, or their representative giving such freedom; and be levied on his, her, or their proper estate, which is hereby made chargeable with the payment thereof. And if the said vestry shall, after the payment or recovery of the sum before mentioned, refuse to appoint such annual sum to the said free person, or the same shall not be annually paid to him or her, he or she shall, and is hereby enabled and empowered to recover the said annuity as in case of servants' wages before any justice of the peace, who is hereby directed and required to hear and determine the same, and to proceed thereon against the churchwarden of the said parish for the time being, in manner aforesaid.

The sum of fifty pounds to be paid on the manumitting of a Slave.

The manumitted Slave to receive four pounds per annum.

Mode of recovering the fifty pounds, and also the four pounds per annum.

Read three times and passed the Council unanimously, and was assented to by his Excellency, this 27th day of February, 1739.

(Signed) WILLIAM DUKE, Deputy Clerk of Council.

Read and passed the General Assembly this 12th day of February, 1739, *nemine contradicente.*

(Signed) EDWARD GROVE, Deputy Clerk of the General Assembly.

(Signed) ROBERT BYNG.

No. 2. (Voucher.)

Barbadoes.—An Act to amend an Act of this Island, entitled "An Act for amending an Act of this Island, entitled an Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free; as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island."

WHEREAS by an Act of this island, bearing date the twenty-seventh day of February, one thousand seven hundred and thirty-nine, entitled "An Act for amending An Act of this Island, entitled an Act for the the Governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free; as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island," it is enacted that whoever shall hereafter, by deed or will, or by any other ways or means whatsoever, manumit, set free, or discharge from slavery, any Negro or other Slave or Slaves, such person or persons shall for the better support of such Negro or Slave, and to prevent their becoming burthensome to the parish in which he, she, or they shall live or reside, deposit or direct to be paid into the

hands of the churchwarden for the time being of the said parish, for each Negro or other Slave so manumitted, set free, or discharged from slavery, the sum of fifty pounds current money to be by the said churchwarden and the vestry of the said parish for the time being, improved to the best advantage; and the said vestry shall direct and appoint the sum of four pounds current money for the maintenance and support of such person so manumitted and set free, to be annually paid to him or her; which wholesome provision of the said Act, and wise intention of the Legislature are now totally evaded by the artifice and contrivance of persons about to manumit or set free their Slaves, by making a conveyance of such Slave or Slaves intended to be manumitted, to some insolvent person, who immediately executes a deed of manumission by which means the parish is defrauded of the said sum of fifty pounds, and the person so set free, deprived of the said annuity and reduced to necessity of seeking a dishonest means of livelihood: be it therefore enacted by his Excellency David Parry, Esquire, Captain General, Governor and Commander in Chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the Honourable the Members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that for the future any person who shall be minded to manumit or set free any Negro or Slave, shall actually deposit or pay into the hands of the churchwarden for the time being of the parish in which such person lives or resides, the sum of fifty pounds current money, and take a receipt or certificate of the said churchwarden for the same, and without such payment, and such receipt, or certificate, the deed of manumission or instrument of writing, shall be as to the purpose of manumitting such Slave void and of no effect, and the said Negro or Slave so intended to be manumitted, shall remain and continue, and to all intents and purposes shall be as such a Slave as if no such deed of manumission, or instrument of writing had been made.

Recites the evading of former law respecting the manumission of Slaves.

Clause 1. The manumission of a Slave, without the payment of £50 declared void.

And be it further enacted by the authority aforesaid, that if any person shall hereafter by will or other writing direct any Negro or Slave to be manumitted after the death of such person, or at any other future time, and the heir-at-law, executor, or other person so directed to manumit such Slave shall, in order to save the said sum of fifty pounds, and to retain the said Slave in slavery, neglect to pay the sum of fifty pounds, current money, into the hands of the churchwarden of the parish, and to manumit the said Slave within three months after the time appointed for the manumission of said Slave, the said churchwarden may, and he is hereby authorized and required to sue in his own name, in the court of the proper precinct, or proceed by suit in equity, for the said sum of fifty pounds, and as soon as he shall recover and receive the same, he shall execute a deed of manumission in his own name, which shall be effectual to manumit and set free the said Negroor Slave, anything in this Act before seeming to the contrary notwithstanding.

Clause 2. Churchwarden to proceed to enforce the manumission of Slaves, directed to be paid by will.

Read three times, and passed the Council with the amendments, this twenty-first day of January, one thousand seven hundred and eighty-three.
(Signed) FRAS. WORKMAN, Deputy Clerk of the Council.

Read three times, and passed the General Assembly, *nemine contradicente*, the twenty-sixth day of November, one thousand seven hundred and eighty-two. (Signed) SAM. MOORE, Clerk of the General Assembly.

Assented to by his Excellency, the twenty-second day of January one thousand seven hundred and eighty-three.
(Signed) FRA. WORKMAN, Deputy Secretary.

Read three times, and passed the General Assembly with the amendments, *nemine contradicente*, this twenty-first day of January one thousand seven hundred and eighty-three.
(Signed) SAM. MOORE, Clerk of the General Assembly.

No. 3. (Voucher.)

Barbadoes.—An Act allowing the Testimony of Free Negroes and Free People of Colour to be taken in all Cases.

WHEREAS free Negroes and free people of colour are by the laws of this island debarred from giving evidence in certain cases, and whereas from their steady and meritorious conduct on frequent occasions, but more particularly during the late calamitous insurrection of the Slaves, they evinced the greatest attachment and fidelity to the white inhabitants of the island, so as to entitle them to the favourable consideration of the legislature, in removing the disabilities under which they thus labour.

Clause 1.

Be it therefore enacted by the Honourable John Spooner, Esq., President of His Majesty's Council and Commander-in-chief of this island, Chancellor, Ordinary, and Vice Admiral of the same; the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and immediately after the publication of this Act, all and every person and persons of free condition, and who have been baptized and instructed in the principles of the Christian Religion shall and lawfully may be admitted and received to give evidence on any trial or suit of any nature or kind whatsoever, or on the hearing any complaint instituted or exhibited in any of the courts of law or equity in this island, or before any magistrate or coroner: Provided that no Negro or Mulatto who shall be made free shall be admitted to give evidence by virtue of this law unless he or she has been manumitted or made free for the space of twelve months previous to the commission of the offence or existence of the fact respecting which he or she shall be produced to give his or her evidence.

Persons of free condition, baptised, and professing the Christian religion declared to be competent witnesses in all cases.

But those hereafter freed not to give evidence for twelve months.

Clause 2.

And be it further enacted by the authority aforesaid, that no Slave resident in this island who shall hereafter be manumitted shall be admitted as a competent witness under this Act unless he or she shall be manumitted according to the Acts of this island now in full force.

Those hereafter manumitted not to have the privileges of the Act, unless freed according to the laws of the island.

Read three times and passed the Council unanimously this 4th of February, 1817.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly this 7th of January, 1817.

(Signed) R. PHILLIPS, Clerk of the General Assembly.

(Signed) JOHN SPOONER.

Assented to by his Honour the President on the 5th of February, 1817.

(Signed) WM. HUSBANDS, Deputy Secretary.

No. 4. (Voucher.)

Sir, *Barbadoes, October 30th,* 1826.

IN compliance with your Excellency's desire, I beg leave to lay before your Excellency, the substance of the communication I made to you on Wednesday last, when I had the honour to wait on your Excellency respecting the Manumission Act, which had recently passed in the Legislative Council and House of Assembly; the Act was drawn and brought into the Council by myself, as the most effectual to facilitate the voluntary manumission of Slaves in the colony. By the Act all fines (as the deposit money has been termed) on the manumission of Slaves in the colony are entirely removed. Slaves could be set free in the colony at a very trifling expense for the proof and record of the deed of manumission, much less than is now paid for a deed of manumission in England under a corporate seal. Having considered this point as necessary to meet the suggestions of Earl Bathurst as to voluntary manumissions, it would at the same time appear unjust towards the resident proprietors of Slaves in the

colony to have subjected them to any of those provisions, which the noble Earl had pointed out, of securities to be given for persons to be manumitted under and above certain ages, as well as helpless Slaves who might become a nuisance to the public. English manumissions would still be resorted to. I endeavoured to point out to your Excellency that all the former Acts of the colony providing a maintenance by a deposit on manumission of Slaves had been greatly evaded by the manumission of Slaves under a corporate seal in England, and the validity of such manumissions had been recognized here. If therefore the intention of the legislature in causing a deposit to be made on the freedom of a Slave, had been to prevent inconvenience and burthen to the public, such intention was evidently defeated by the introduction of a numerous class of persons manumitted in England; and had the principle of granting relief to free coloured persons from the funds of the parishes been once admitted by the vestries, a serious burthen might have been entailed upon the public by the evasion of the Colonial Law. I do not perceive that any inconvenience is likely to arise by the removal of impediments to voluntary manumissions in the colony. Could any inhuman and unfeeling disposition of proprietors, to rid themselves of Slaves who had become useless through age or infirmity, be called into action, and be encouraged by affording facility to manumission, such facility was amply given by the recognized validity of British manumissions. Under such considerations I deem it a measure of justice to resident proprietors, to be allowed to exercise the same unconstrained power of enfranchising Slaves in the colony which is permitted to persons who reside in Great Britain.

By the Act to which I am referring your Excellency, it is also intended to confer, under similar qualifications, the privilege of giving testimony before any justice or court, to all persons of free condition wheresoever they may have been manumitted.

Had I been aware of the objection which exists to your Excellency's sanction being given to the Act, I should certainly have introduced a clause to have suspended the operation of the Act until his Majesty's pleasure could be known.

I trust my explanation may appear clear to your Excellency,

I have, &c.

(Signed) PHILIP L. HINDS.

His Excellency the Governor, Government House.

Speech of Dr. Maycock, at the forming of the Branch Association.

My Lord, *Barbadoes, August* 2, 1825.

IT is with considerable diffidence I rise to address this meeting, but my feelings will not allow me to give silent support to the measure proposed by your Lordship. It is now more than two years since a meeting of the clergy and planters took place in this room. The clergy, zealous in the performance of their duty, and conspicuous as an example of piety and virtue, proposed to devote a portion of their time to the instruction of the Slave population in the most essential points of the Christian religion, and the planters (so many at least as signed the resolutions of that day) pledged themselves to afford time and give every encouragement in their power to the Slaves to receive such instruction. No funds were raised at that time; but it cannot be doubted but much good has been done by the exertions of the clergy, although the want of subordinate teachers has been and continues to be an obstacle to the general and efficient instruction of Slaves. The wise and unobjectionable measure which your Lordship has proposed will, I am confident, remove this obstacle. You are doubtless aware, my Lord, of the distresses and difficulties to which this colony has for a long time been subject, but of their extent you have no idea. I am sure that I speak within compass when I state that two thirds of the real property of the island is under mortgage; just now indeed there is the appearance of a dawn of better times, if it be not transitory and fallacious; but we have

seen a long and dreary night, in which the fortunes of all have materially suffered ; of some have been irrecoverably wrecked, even at this time, when our hopes begin to revive, we are forced to reflect that we are still weighed down and overburthened by the continuance of heavy war taxes on our staple commodities, an example of the partial operation of those measures of alleviation which since the peace have been extended to all but ours. We are indeed extremely poor, and if the proposition which your Lordship has made, were one requiring an extensive pecuniary sacrifice, with the most favourable dispositions, we could not afford it efficient support, but the sacrifice is so small, the benefit to be afforded to a numerous class of our fellow creatures so great, and the duty on ourselves to afford that benefit so evident and imperious, that I am sure the measure proposed by your Lordship will be unanimously adopted ; that we shall gladly embrace the opportunity of becoming united to the society at home for the conversion of Negroes, and in support of the objects of that society cheerfully give a portion even of that little we have left. There is a circumstance intimately connected with the object of this meeting, to which your Lordship has not alluded, doubtless from delicacy to the planters, but which I, as an interested planter, may approach with freedom, I allude to the continuance of the disgraceful and disgusting nuisance of the Sunday market; one which obtrudes itself to the annoyance of every well-thinking person, is a standing contradiction to every declaration we may make of zeal for the interests of religion, and takes from us the very character of a christian community. It does appear to me impossible to implant religious feelings in the minds of the Slaves until this nuisance be removed, and they be taught to respect the Sabbath, This evil has been allowed to continue, not from an insensibility to its nature and extent, but from an apparent difficulty in removing it. In this island, one third of the working days of the year is appropriated to the raising articles of food for the Slaves, and they are supplied with a superabundance and variety of provisions, being in no respect dependant on their own exertions for subsistence. On this account it may appear to some that an opportunity of attending market is not necessary for them ; but it should be kept in mind that from the produce of his garden, of his stock, nay from the superabundance of his allowance, the Slave has many articles which he can advantageously exchange for others, which add to his comfort, his importance amongst his fellow Slaves, and contribute to the general improvement of his condition. If you take from him the opportunity of doing so, you take away the operative inducement to industry, care, and economy, and you create an obstacle to his advancement in civilization ; if therefore it be not absolutely *necessary* that the Slave should have an opportunity to attend a market, it is certainly proper and desirable that he should enjoy such an indulgence. The planters however holding property subject to heavy demands from their creditors, can never consistently propose a legal subtraction of any portion of time from the labouring days of the week, nor could the Legislature enforce it by an Act, without evident injustice to the incumbered proprietors of landed property, and their creditors. The difficulty then of the abolishing the Sunday market, has arisen from the propriety of allowing the Slave an opportunity to dispose of the produce of his industry and economy ; and the impropriety of making any legal subtraction from the time employed in the cultivation of the soil. When however I reflect on the gradual amelioration which has taken place in the moral and physical condition of the Slave population; when I reflect on what it was when I left this country,—a boy; on what I found it when I returned,—a man, and on what it is at this present moment: when I reflect that so far from being the effect of legislative enactments, it may be said to have proceeded in opposition to law ; that it commenced partially, and has become general, (I wish that with truth I could say universal) from the force of example, and the influence of opinion ; I am convinced that the comfort and accommodation of the Slaves of time to attend a market, may be safely trusted to the benevolent feelings and interested policy of proprietors: interested policy I say, because every thinking planter is aware, that any abridgement of the comforts of his Slave will ultimately recoil, as an evil on himself: matters individually not very important, but collectively more essential to the well-

being of the Slaves, than an opportunity under their circumstamces of attending a market, are necessarily dependant on such feelings. Legislative enactments may and indeed should grant particular privileges to the Slave, and correct evident abuse of the power of the master. But it is the conviction on the part of proprietors, that it is no less their interest than it is their duty to render their Slaves comfortable and happy; which can alone ensure to the Slave comfort and happiness. It is this conviction which has brought the condition of the Slave to be such as it is. It is this conviction which will continue by every reasonable and practicable means to improve their condition. It is this conviction which, so soon as the Sunday market shall have been abolished by law, will induce all the influential planters to make such voluntary arrangements, as shall afford the Slaves under their direction, the necessary comfort and indulgence of attending a market. I have been anxious to separate the abolition of the Sunday market from a legislative grant of time to the Slave to attend the market on the days of the week. I have been anxious to separate that which is *absolutely necessary*, from that which appears to me under all circumstances to be not so necessary; because I am very fearful that if the two points be coupled together, the Sunday market will long remain an opprobrium to the country.

Copy of the Thirteenth Article of his Majesty's Instructions to Lieutenant General Sir Henry Warde, K. C. B.

THIRTEENTH.—And you shall not re-enact any law to which the assent of Us or our royal predecessors has once been refused, without express leave for that purpose, first obtained from us upon a full representation by you to be made to us through one of our principal Secretaries of State; and to the Committee of our Privy Council for Trade and Plantations, for their information, of the reasons and necessity for passing such law. Nor give your assent to any law repealing any other law passed in your government, whether the same has or has not received our royal approbation unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure shall be known concerning the same.

Printed by R. G. CLARKE, Cannon Row, Westminster.

PAPERS

PRESENTED TO PARLIAMENT BY HIS MAJESTY'S COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY HIS MAJESTY'S GOVERNMENT,

FOR THE MELIORATION OF THE CONDITION OF

THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

WEST INDIES, ON THE CONTINENT OF SOUTH AMERICA,

AND AT

THE CAPE OE GOOD HOPE.

[In continuation of the Papers presented in the Year 1826.]

PART II.—1827.

LONDON:

PRINTED BY R. G. CLARKE,

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SCHEDULE

Of Correspondence between Earl Bathurst and the Officers Administering the Governments in His Majesty's Possessions in the West Indies, on the Continent of South America, and at the Cape of Good Hope.

DOMINICA.

No.	Date. 1826.	SUBJECT.	Page.
1.	March 19,	Earl Bathurst to Major-General Nicolay, refers to the Resolutions of the House of Commons of 1823, to the Trinidad Order in Council of 1824, and to the Measures recommended by Government for carrying the same into effect, and intimates his intention of sending out all the Measures of the said Order, classed under separate heads, in order to enable him to bring the whole subject under the consideration of the Assembly — — — — —	1
2.	May 21,	Earl Bathurst to Major-General Nicolay, transmitting the substance of eight Bills, classed under separate heads, containing the provisions of the Trinidad Order in Council, also his Correspondence with the Governor of Trinidad and the Lieut.-Governor of Demerara on some of the provisions, and directing how they are to be introduced to the consideration of the Legislative Council and Assembly —	2
3.	May 25,	Earl Bathurst to Major-General Nicolay, notifies the impossibility of entering into a minute examination of the Slave Melioration Act in the present Dispatch, and intimates his intention of offering by the first opportunity his observations thereon — — —	4
4.	Aug. 28,	Major-General Nicolay to Earl Bathurst, intimating that it would be desirable to be made acquainted with the result of his Lordship's examination of the Slave Melioration Act — — —	*ibid.*
5.	1827. Feb. 1,	Major-General Nicolay to Earl Bathurst, stating that the measures recommended by Government were introduced to the House of Assembly; that the Session had terminated before the Bills came under discussion; that at the opening of the present Session he had again called the attention of the Legislature to the same, and that he had received assurances from both Branches of their anxiety to meet the wishes of His Majesty's Government — — —	*ibid.*
6.	Feb. 24,	Major General Nicolay to Earl Bathurst, states that the 1st Clause of a Bill "For establishing a Protector and Guardian of Slaves" had been rejected by the House, as well as a Bill "For regulating the Manumission of Slaves"; and also a Bill "To prevent the separation of Slaves, being Members of the same Family, by virtue of any legal process"; and intimates that there appeared a disposition among the Members to consolidate all the Laws relating to Slaves into one Act	5
7.	April 3,	Earl Bathurst to Major- General Nicolay, inclosing an Order in Council whereby His Majesty has been pleased to order that the Acts passed in Dominica in 1825 and 1826, for repealing the Tax on the Manumission of Slaves, and for the improvement of their condition, should be confirmed, and communicating remarks with respect to the same	6

GRENADA.

1.	1826. March 19,	Earl Bathurst to Major-General Sir J. Campbell, referring to the Resolutions of the House of Commons of 1823, to the Trinidad Order in Council of 1824, and to the Measures recommended by Government for carrying the same into effect; and stating that in order to enable him to bring the whole subject under the consideration of the Assembly he should send out all the measures of the said Order classed under separate heads — — — — —	9

No.	Date. 1826.	SUBJECT.	Page
2.	April 7,	Major-General Sir J. Campbell to Earl Bathurst, transmitting Copies of two Acts, one "To remove doubts respecting the repeal of certain Acts relating to the payment of £100 upon the Manumission of Slaves"; and the other "To declare the Ecclesiastical Laws in England to be in force in these Islands" (Two Inclosures) —	10
3.	May 21,	Earl Bathurst to Major-General Sir J. Campbell, transmitting the substance of the Trinidad Order in Council, classed under separate heads, also his Correspondence with the Governor of Trinidad and the Lieut.-Governor of Demerara on some of the provisions; and notifying how they are to be introduced to the consideration of the Legislative Council and Assembly — — — —	14
4.	June 30,	Major-General Sir J. Campbell to Earl Bathurst, acknowledging the receipt of No. 3 — — — — —	16
5.	Oct. 3,	Major-General Sir J. Campbell to Earl Bathurst detailing the proceedings adopted in regard to the Measures recommended by His Majesty's Government for the Melioration of the Slave population (Four Inclosures) — — — — —	*ibid.*
6.	Dec. 7,	Earl Bathurst to Major-General Sir J. Campbell, acknowledging the receipt of No. 5, and expressing regret at the rejection of the separate Bills brought forward for the consideration of the Assembly —	25
7.	Dec. 22,	Major-General Sir J. Campbell to Earl Bathurst, transmitting Copy of a Communication from the Board of Council (One Inclosure) —	*ibid.*

ANTIGUA.

1.	March 19,	Earl Bathurst to Officer Administering the Government, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order, classed under separate heads — — — —	27
2.	May 21,	Earl Bathurst to Major-General Sir P. Ross, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara on some of the provisions, with instructions how they are to be introduced to the consideration of the Legislature —	28
3.	July 3,	Major-General Sir P. Ross to Earl Bathurst, acknowledging the receipt of No. 2, and stating that he had communicated the same to the Attorney and Solicitor-General — — —	29
4.	Aug. 8,	Major-General Sir P. Ross to Earl Bathurst, acquainting him with the result of the introduction of the Bills to both Houses, and inclosing Copies of Letters from the Attorney and Solicitor-General, of his Messages to both Houses, and their Replies (Seven Inclosures) —	30
5.	Aug. 9.	Major-General Sir P. Ross to Earl Bathurst, transmitting Copies of four of the Bills, as prepared by the Crown Lawyers, together with Copies of the References that accompanied the Bills on their introduction to the House of Assembly; and states that the House would not authorize the printing of these References (Eight Inclosures) —	35
6.	Aug. 21.	Major-General Sir P. Ross to Earl Bathurst, transmitting Copies of the four remaining Bills, accompanied by Extracts relating to them (Eight Inclosures) — — — —	47

ST. CHRISTOPHER.

1.	March 1,	Governor Maxwell to Earl Bathurst, transmitting Copy of his Speech to the Legislature at the opening of the Session, with their Addresses, and his Replies; and states that a Bill for the Melioration of the Slave Population had been introduced, read the first time and ordered to be printed (Three Inclosures) — — — —	63
2.	March 19,	Earl Bathurst to Governor Maxwell, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by His Majesty's Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and states his intention of sending out all the measures of the said Order, classed under separate heads — — — —	65

No.	Date. 1826.	SUBJECT.	Page.
3.	May 21,	Earl Bathurst to Governor Maxwell, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara respecting some provisions of the bills, with instructions how they are to be introduced to the consideration of the Legislature —	66
4.	Oct. 7,	Governor Maxwell to Earl Bathurst, Extract of a Dispatch, stating that by the advice of the Attorney-General he had dissolved the Assembly, and had issued Writs for electing a new House; incloses Copies of his Speech to the Legislature at their meeting, of the Addresses from both Branches, and his Replies; and further states that the Attorney-General had prepared four Bills from the Heads of those transmitted by his Lordship, and that they had been ordered to be printed (Five Inclosures) — — — — —	72
5.	Oct. 7,	Governor Maxwell to Earl Bathurst, stating that the Slave Melioration Bills for Nevis had, in consequence of the illness of the Solicitor-General, been introduced by Mr. Peterson to the House of Assembly	72
6.	Nov. 16,	Earl Bathurst to Governor Maxwell, acknowledging the receipt of No 5, and giving further instructions relative to his Lordship's Dispatch of the 19th March — — — — —	*ibid.*

NEVIS.

1.	Sept. 1,	The Colonial Agent to Earl Bathurst, Extract of a Letter, transmitting Copy of a Bill, "To legalise the Marriage of Slaves in the Island of Nevis; to declare their Property secured to them by Law; to render them competent Witnesses under certain restrictions; to regulate proceedings at law respecting them in civil and criminal cases; and further to ameliorate their condition" (One Inclosure) — —	73
2.	1827. Feb. 24,	The Colonial Agent to R. W. Horton, Esq. inclosing Copy of a Bill for meliorating the condition of the Slaves, which passed the Assembly of St. Christopher, and stating that it was drawn up from memoranda taken in the House at the time (One Inclosure) — —	86

ST. VINCENT.

1.	1826. March 19,	Earl Bathurst to Rear Admiral Sir C. Brisbane, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order, classed under separate heads — — — —	93
2.	May 21,	Earl Bathurst to Rear Admiral Sir C. Brisbane, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara on certain provisions of those bills, with instructions how they are to be introduced to the consideration of the Legislature	94
3.	May 25,	Earl Bathurst to Rear Admiral Sir C. Brisbane, stating that he had found it impossible to enter at present into a minute examination of the Slave Melioration Act, but intimating that he shall not omit the first opportunity of offering his observations thereon — —	96
4.	Aug. 3,	Rear Admiral Sir C. Brisbane to Earl Bathurst, acknowledging the receipt of No. 2 and Inclosures, and stating that the whole are under the consideration of the Crown Lawyers — — —	*ibid.*
5.	Aug. 23,	Rear Admiral Sir C. Brisbane to Earl Bathurst, communicating his proceedings on the Drafts relating to the proposed Measures for meliorating the condition of the Slaves, and also the Correspondence received from the Crown Lawyers (Five Inclosures) — —	*ibid.*
6.	Sept. 28,	Rear Admiral Sir C. Brisbane to Earl Bathurst, transmitting Communication from the two Houses of the Legislature (One Inclosure) —	100
7.	Dec. 7,	Earl Bathurst to Rear Admiral Sir C. Brisbane, acknowledging the receipt of No. 6, and requesting that he will transmit full particulars of the manner in which the Bills were brought forward, together with Copies of said Bills — — —	110
8.	1827. April 3,	Earl Bathurst to Rear Admiral Sir C. Brisbane, stating that the Act passed by the Legislature in 1825, had been laid before His Majesty, and that it had been ordered by His Majesty in Council that it should be left to its operation, with observations thereon — —	*ibid.*

TOBAGO.

No.	Date. 1826.	SUBJECT.	Page.
1.	March 19,	Earl Bathurst to Lieut.-Gen. Sir F. P. Robinson, referring to the Resolutions of the House of Commons of 1823, to the Measures recommended by Government, and to the Trinidad Order in Council of 1824, for the improvement of the Slave population; and stating his intention of sending out all the Measures of the said Order classed under separate heads — — — —	115
2.	May 21,	Earl Bathurst to Lieut.-Gen. Sir F. P. Robinson, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieut.-Gov. of Demerara respecting certain provisions of those bills, with instructions how they are to be introduced to the consideration of the Legislature — — — — —	116
3.	June 29,	Lieut.-Gen. Sir F. P. Robinson to Earl Bathurst, acknowledging the receipt of Dispatches of the 10th April and 21st and 25th May —	118
4.	Aug. 5,	Officer Administering the Government to Earl Bathurst, Extract of a Dispatch, transmitting Copy of his Address to both Houses on the opening of the Session, and the Attorney-General's Report on the proposed Measures of His Majesty's Government (Two Inclosures)	*ibid.*
5.	Aug. 23,	Officer Administering the Government to Earl Bathurst, Extract of Dispatch, transmitting Copies of the Reply made by the Council and Assembly to his Address, and stating that he has no expectation that they will come to any decision upon the said Measures in the present Session (One Inclosure) — — — —	122
6.	Oct. 23,	Earl Bathurst to Officer Administering the Government, acknowledging the receipt of No. *A*, and giving further directions in regard to the said Measures of Government — — — —	*ibid.*
7.	1827. Jan. 26,	Officer Administering the Government to Earl Bathurst, Extract of Dispatch, incloses a Letter received from the Attorney-General, together with eight Bills therein referred to; states that he had opened the Session by an Address, and transmits a Copy thereof (Three Inclosures) — — — —	123
8.	Jan. 27,	President Brasnell to Earl Bathurst, transmitting a Copy of an Address received from the Council (One Inclosure) — —	125
9.	Feb. 21,	Officer Administering the Government to Earl Bathurst, Extract of Dispatch, transmits Copies of Addresses and Reports from the Council and Assembly; and states that there appeared to be differences between them on the most important points recommended by his Lordship (Four Inclosures) — — —	*ibid.*

ST. LUCIA.

1.	1826. March 20,	Earl Bathurst to Major-General Mainwaring, stating that he had submitted to His Majesty's consideration the Draft of the Slave Code, and directing him to issue an Ordinance in terms thereof —	139
2.	Aug. 15,	Major-General Mainwaring to Earl Bathurst, stating that since the promulgation of the Slave Law the greatest harmony and good feeling existed in the Colony, and that he had only heard of one complaint (Seventeen Inclosures) — — — —	*ibid.*
3.	Oct. 16,	Earl Bathurst to Major-General Mainwaring, acknowledges the receipt of No. 2; approves of the Estates being visited by a Commission; and remarks on the Inclosures that accompanied it — —	153
4.	Dec. 20,	Major-General Mainwaring to Earl Bathurst, transmitting Letter from the First President, in explanation of the Law in regard to the infliction of corporal punishment upon female Slaves (One Inclosure)	*ibid.*
5.	1827. Feb. 21,	Earl Bathurst to Major-General Mainwaring, stating that he had laid before The King the Act passed for improving the condition of the Slaves, and communicating by command of His Majesty observations in reference thereto — — — —	155
6.	April 30,	Major-General Mainwaring to Earl Bathurst, inclosing Draft of an Order in Council, amending the Slave Law of 8th Feb. 1826, together with the Remarks of Mr. Jeremie made at the request of the Council (Two Inclosures) — — — —	157

DEMERARA.

No.	Date.	SUBJECT.	Page.
1.	Dec. 14, 1825.	Sir B. D'Urban to Earl Bathurst, acknowledging the receipt of Dispatch of 24th Aug. and remarking on his Lordship's Dispatch of 20th Nov. 1824, relating to Manumission — — —	165
2.	Jan. 24, 1826.	Sir B. D'Urban to Earl Bathurst, inclosing a Copy of a Supplementary Clause to remedy a defect in the Slave Melioration Code of a Form for the keeping Punishment Record Books (One Inclosure) —	165
3.	April 25,	Sir B. D'Urban to Earl Bathurst, stating that several Landed Proprietors had solicited permission to hold a Meeting of the Colonists, for the purpose of petitioning The King, to which he had assented, and transmits a Copy of such Petition (One Inclosure) — —	167
4.	May 12,	Earl Bathurst to Sir B. D'Urban, Extract of a Letter, directing him to bring under the consideration of the Court of Policy the necessity of abridging and simplifying the forms of procedure under the Slave Melioration Act — — — — —	169
5.	Aug. 10,	Sir B. D'Urban to Earl Bathurst, transmitting an Extract of the Proceedings of the Court of Policy at their Extraordinary Assembly, upon consideration of his Lordship's Dispatch of 25th Feb. together with Extracts from the Proceedings of the same at adjourned Meetings on the same subject (Four Inclosures) — —	*ibid.*

BERBICE.

1.	June 2, 1825.	Lieut.-Gov. Beard to Earl Bathurst, transmitting Copy of an Extract from the Register of the Proceedings of the Council of Government, and states that he has recommended that the Colony should be divided into Districts (One Inclosure) — — —	189
2.	April 25,	Earl Bathurst to Lieut.-Gov. Beard, acknowledging the receipt of Dispatch of 29th Jan. and signifies His Majesty's approval of the regulation for securing to the Slaves any benefit bequeathed to them —	190
3.	March 17, 1826.	Earl Bathurst to Officer Administering the Government, directing him to issue a Proclamation for carrying into effect the provisions adopted by the Court of Policy in Demerara for meliorating the condition of the Slaves — — — — —	*ibid.*
4.	March 20,	Earl Bathurst to Lieut.-Gov. Beard, transmitting an Order for dissolving the Council of Government in Berbice and instituting another; also Correspondence between his Lordship and the Lieut.-Gov. of Demerara on the subject of the Ordinance of the Court of Policy, with instructions in regard thereto — — — —	*ibid.*
5	March 20,	Earl Bathurst to Lieut.-Gov. Beard, directing his attention to that part of the Demerara Ordinance which relates to the duties of Protectors of Slaves — — — — —	191.
6.	March 20,	Earl Bathurst to Lieut.-Gov. Beard, conveying The King's Commands for carrying into effect by Proclamation, in the event of his not being able to obtain the concurrence of the Council of Government, whatever Law he may find on his arrival in Berbice to be in force in Demerara	192
7.	May 11,	Sir B. D'Urban to Earl Bathurst, acknowledging the receipt of No. 3, and states his intention duly to observe the instructions contained therein — — — — —	*ibid.*
8.	June 3,	Earl Bathurst to David Power, Esq. giving him instructions how to act in his capacity of Protector of Slaves — — —	*ibid.*
9.	July 21,	Lieut.-Gov. Beard to Earl Bathurst, stating that he had convened a new Council, and laid before them his Lordship's Dispatch of the 20th March, with the Documents therein referred to; also the Demerara Ordinance for bettering the condition of the Slaves; together with a Dispatch he had received from the Lieut.-Gov. of that Colony; and that the Council had evinced their readiness to meet the views of His Majesty's Government (One Inclosure) — — —	193
10.	Aug. 16,	Lieut.-Gov. Beard to Earl Bathurst, transmitting the Minutes of the Proceedings of the Council on the new Slave Code, also Copy of a Letter from Sir B. D'Urban; and gives a hope of his being enabled to carry the wishes of His Majesty's Government into effect (Two Inclosures)	194

No.	Date. 1825.	SUBJECT.	Page.
11.	Aug. 31,	Lieut.-Gov. Beard to Earl Bathurst, transmitting Extract Minutes of the Proceedings in Council, relative to the intended new Slave Code (Three Inclosures) — — — —	195
12.	Sept. 22,	Lieut.-Gov. Beard to Earl Bathurst, transmitting Extract Minutes of the Proceedings in Council, and expresses a hope to be enabled to publish the new Slave Code the following week, and to bring it into operation on the 1st of Sept. (Four Inclosures) — —	197
13.	Oct. 23,	Lieut.-Gov. Beard to Earl Bathurst, transmitting Copy of the new Slave Code, with observations thereon (Three Inclosures) —	200
14.	Dec. 26,	Earl Bathurst to Lieut.-Gov. Beard, acknowledging the receipt of No. 13, and Inclosure; states that he has not been able to submit the same to The King in Council; communicates His Majesty's approbation of his conduct; and directs him to convey the same to the Court —	222
15.	Nov. 20,	Lieut.-Gov. Beard to Earl Bathurst, transmitting Reports of the Civil Magistrates on the promulgation of the new Slave Code, together with similar Reports from the Fiscal; states that it has been well received, and that the Colony was most tranquil (Thirteen Inclosures)	*ibid.*
16.	Nov. 21,	Lieut.-Gov. Beard to Earl Bathurst, transmitting Extract Minutes of the Proceedings in Council, shewing the tariff of wages to be paid to Slaves in pursuance of the 9th Clause of the new Slave Code for conservatory labour (One Inclosure) — — —	228
17.	Nov. 21,	Lieut.-Gov. Beard to Earl Bathurst, inclosing Copy of a Letter from the Protector of Slaves, stating that in three weeks the deposits for the Savings Banks by a few Negroes amounted to £36 sterling (One Inclosure) — — — — —	*ibid.*

TRINIDAD.

1.	1825. Nov. 24,	Sir R. Woodford to Earl Bathurst, soliciting that the Planters may be permitted to make the Returns of punishments half-yearly instead of quarterly if the Demerara Order be approved of in this particular —	231
2.	1826. March 8,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 1, and stating that when the Demerara Order shall have been issued, the propriety of introducing any modification into the new Order for Trinidad will be duly considered — — —	*ibid.*
3.	Jan. 7,	Sir R. Woodford to Earl Bathurst, Extract of a Dispatch, transmitting Copy of a Proposal submitted to the Council by Mr. Burnley, for giving publicity to the complaints made by Master against the Slave or by the Slave against the Master (One Inclosure) — —	*ibid.*
4.	April 12,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 3, and Inclosure, with instructions thereupon — —	232
5.	Feb. 25,	Sir R. Woodford to Earl Bathurst, Extract of a Dispatch, detailing the difference in opinion of the Attorney-General and the Protector of Slaves as to the 34th Clause of the Order in Council of March 1824	233
6.	April 27,	Sir R. Woodford to R. W. Horton, Esq. transmitting the Protector's last observations to the representations of the Attorney-General on the obligation of the Protector to inquire into the validity of the titles to Slaves brought to him for private manumission (Five Inclosures) — — — — —	*ibid.*
7.	Aug. 15,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of Nos. 5 and 6, with observations and instructions thereon — —	244
8.	April 12,	Sir R. Woodford to Earl Bathurst, remarking on the Orders in Council of Sept. 1822, and March 1824, respecting the admission of Slave evidence in Courts of Justice; states that he had issued a Proclamation by the advice of his Council for explaining the same; submits a Copy thereof for The King's approval; and incloses the Correspondence that took place on the occasion (Seven Inclosures) — —	246
9.	June 22,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 8, and Inclosures, with observations thereon — — —	251
10.	Aug. 27,	Sir R. Woodford to Earl Bathurst, acknowledging the receipt of No. 9, with observations thereon — — — —	252
11.	April 26,	Sir R. Woodford to Earl Bathurst, stating that numerous applications had been received from Free Persons to be admitted to the benefit of the Savings Bank, and that the Council are anxious to obtain the sanction of His Majesty in Council to the same — —	253

No.	Date. 1826.	SUBJECT.	Page.
12.	July 18,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 11; and approving the formation of a General Savings' Bank, directing his attention for regulations for the management thereof, to the Acts passed by the British Legislature for the like purpose —	253
13.	April 27,	Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, reporting on the practical difficulties in the execution of the Order in Council of the 10th March 1824, and transmits a Copy of a Report he has received from the Protector, and also a Note from the Chief Judge (Three Inclosures) — — — —	*ibid.*
14.	April 27,	Sir R. Woodford to Earl Bathurst, submitting for the sanction of his Lordship an Additional Rule for Savings Banks (One Inclosure) —	256
15.	July 5,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 14, with his approval of the same — — — —	257
16.	July 3,	Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, stating that he had lately visited those Quarters of the Island where the principal part of the cultivation is carried on in canes; that he found the Slaves generally conducting themselves well; and that the difficulties represented to arise out of the Order are three, which he details —	*ibid.*
17.	July 8,	Sir R. Woodford to Earl Bathurst, Extract of a Dispatch, suggesting to his Lordship the propriety of investing the Protector with a power of examining the Returns, and for other purposes — —	258
18.	1827. Feb. 26,	Sir R. Woodford to R. W. Horton, Esq. inclosing a Statement of the days worked by the Spanish Peons employed at the new Barracks in the year 1825 (One Inclosure) — — — —	*ibid.*
19.	Feb. 26,	Sir R. Woodford to R. W. Horton, Esq. Extract of a Dispatch, inclosing a Letter from Mr. Peschier, shewing the manner in which he employs the Negroes on an Estate sequestered for a debt to the Crown, and on his own estate (One Inclosure) — —	259
20.	Feb. 26,	Sir R. Woodford to Earl Bathurst, inclosing Statements of the Offences committed by Plantation Slaves for the two years that have expired since the Order in Council of March, 1824, has been in force (Three Inclosures) — — — — —	260
21.	May 9,	Lord Goderich to Sir R. Woodford, acknowledging the receipt of No. 20	265
22.	1826. Aug. 8,	Sir R. Woodford to Earl Bathurst, stating that a complaint had been made to him by a Slave of the magnitude of the sum demanded for the manumission of her child; that he had made enquires into the same, and transmits the Protector's Report thereon, together with an explanatory Report, shewing how much the appraisement exceeds any former valuation since June, 1824 (Five Inclosures) — —	*ibid.*
23.	Oct. 30,	Earl Bathurst to Sir R. Woodford, acknowledging the receipt of No. 22; states that he had examined the Inclosures that accompanied it, with observations thereon; and directs that the particulars of each manumission case that may be acted upon under the Order in Council may be transmitted for the information of His Majesty's Government —	268
24.	Dec. 22,	Sir R. Woodford to Earl Bathurst, acknowledging the receipt of No. 23; states that he had communicated the same to the Protector of Slaves, who has thereupon addressed to him a Letter, which he incloses, and that the Chief Judge and the Attorney-General concurred in opinion with the Protector that the former appraisement is binding and conclusive (One Inclosure) — — — —	269

CAPE OF GOOD HOPE.

1.	1826. Feb. 20,	Earl Bathurst to Lord Chas. Somerset, Extract of a Dispatch, acknowledging the receipt of the Draft of an Order for ameliorating the condition of the Slave population, and returns the same in the form of a Draft of Ordinance, to be promulgated without delay	273
2.	June 21,	Major-General Bourke to Earl Bathurst, Extract of a Dispatch, acknowledging the receipt of No. 1; states that he had laid the Draft of the Ordinance before the Council, by whom it had been passed with some trifling amendments, and incloses a Copy thereof (One Inclosure)	274

Papers relating to the Religious Instruction of Slaves in the West Indies.

Diocese of Jamaica and the Bahamas.

No.	Date.	SUBJECT.	Page.
1.	1826. Feb. 20,	Bishop of Jamaica to Earl Bathurst, inclosing an Extract of a Letter from the Rev. Griffith Griffiths, and notifying that he had visited the Eastern and Northern Parishes of the Island, and had found a growing disposition for the institution of Sunday and Parochial Schools (One Inclosure) — — — —	287
2.	June 12,	Bishop of Jamaica to Earl Bathurst, inclosing Report of his visitation to Honduras and the Bahamas (Four Inclosures) — —	288
3.	Sept. 1,	Bishop of Jamaica to Earl Bathurst, transmitting, at the request of the Corporate Body of Kingston, certain Resolutions on the subject of an additional Place of Worship in that City, and also an estimate of the probable expence of erecting such building (Two Inclosures) —	291
4.	Oct. 14,	Bishop of Jamaica to Earl Bathurst, announcing that three of the new Chapels built by voluntary contributions had been consecrated, and another nearly finished; and inclosing a Report from the Committee appointed by the Corporate Body of Kingston, with reference to the additional Place of Worship in that City (One Inclosure) —	293
5.	Nov. 9.	Bishop of Jamaica to Earl Bathurst, announcing that much progress had been lately made in the establishment of Sunday and Parochial Schools; and inclosing a Memorial from the Justices and Vestry of St. Thomas in the East, for the erection of a Chapel in Blue Mountain Valley, also the First Report of the Branch Association of the Incorporated Society for Conversion, &c. of Negroes (One Inclosure)	294
6.	1827. Feb. 22,	Earl Bathurst to the Bishop of Jamaica, Extract of a Dispatch, acknowledging the receipt of Dispatch of 6th December last, and approves of his conduct in requiring Clergymen who hold Island Curacies in conjunction with their Stipendiary Appointments, to resign one of those Clerical offices — — —	295

Diocese of Barbodoes and the Leeward Islands.

1.	1825. Nov. 8,	Bishop of Barbadoes to Earl Bathurst, remarking on the deficiency of religious instruction in the Island of Anguilla (One Inclosure) —	297
2.	1826. May 11,	Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, notifying that an Act had been passed for raising the stipends of the Clergy from £300 to £500 currency; another for regulating the Parochial Fees, and three others relative to the Slave population —	298
3	July 3,	Bishop of Barbadoes to Earl Bathurst, transmitting Memorial from the Church Building Committee, praying for pecuniary assistance from His Majesty's Government towards the erection of a new Church in Bridge Town; acknowledges the receipt of his Lordship's Letter of the 28th April last, and states that it had been received in the Island with great satisfaction (Two Inclosures) — — —	*ibid.*
4.	Oct. 4.	Bishop of Barbadoes to Earl Bathurst, inclosing Petitions for pecuniary aid towards the erection of places of Public Worship, from the Islands of Antigua, St. Christopher, and Anguilla (Four Inclosures) —	301
5.	Oct. 31,	Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, detailing the particulars of his visit to St. Vincent's and the Western Coast of the Island — — — — —	305
6.	Dec. 21,	Bishop of Barbadoes to R. W. Horton, Esq. acknowledging the receipt of Letter of 19th of October last, together with one from the Lords of the Treasury — — — — —	*ibid.*

No.	Date. 1827.	SUBJECT.	Page.
7.	Jan. 27,	Bishop of Barbadoes to Earl Bathurst, Extract of a Letter, stating that he had visited Tobago, Trinidad, &c. &c. and had been received with kindness and respect, and was much satisfied with the progress made in the erection of Churches and Parsonage Houses —	306
8.	March 7,	Earl Bathurst to the Bishop of Barbadoes, inclosing Copies of a Correspondence between the Colonial Department and the Treasury on the subject of the Petitions transmitted in No. 4. (Two Inclosures)	*ibid.*
9.	April 14,	Bishop of Barbadoes to Earl Bathurst, acknowledging the receipt of No. 8. and Inclosures — — — —	308

APPENDIX.

ST. CHRISTOPHER.

No.	Date. 1827.	SUBJECT.	Page.
	May 5,	Governor Maxwell to Earl Bathurst, regretting that no progress had been made for carrying into effect the wishes of His Majesty's Government with regard to the Slave population; states that seven of the Bills for Nevis had been sent from the Assembly to the Board of Council, but had been ordered by the Council to lie on the table for six months — — — — —	309

ST. VINCENT.

No.	Date. 1827.	SUBJECT.	Page.
1.	Feb. 21,	Rear Admiral Sir C. Brisbane to Earl Bathurst, acknowledging the receipt of Dispatch of 7th December last, and inclosing a Letter from the Crown Officers in explanation of the reasons which induced them to consolidate the eight Slave bills into one (One Inclosure)	311
2.	April 25,	Rear Admiral Sir C. Brisbane to Earl Bathurst, inclosing a Communication from the Acting Attorney-General on the introduction of the eight Bills into the House of Assembly (One Inclosure) —	312
3.	June 18,	Lord Goderich to Rear Admiral Sir C. Brisbane, in reply to Dispatch of 21st February — — — — —	*ibid.*

PAPERS

RESPECTING THE

SLAVE POPULATION IN THE WEST INDIES,

&c. &c. &c.

DOMINICA.

No. 1.

(No. 17.)

SIR, *Downing Street, 19th March 1826.*

WHEN I had the honour of communicating to the Earl of Huntingdon the Resolutions of the House of Commons in 1823, his Lordship was instructed to bring under the consideration of the Council and Legislative Assembly of Dominica, some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824, I had the honour of transmitting to the Colony, a copy of the Trinidad Order in Council, containing with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided: First, for the improvement of the condition of the Slave population; secondly, for the manumisssion of Slaves, on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing this order to be laid before the Council and Legislative Assembly, I thought it desirable in the first instance that it should be left for them to proceed in such manner as might appear to them advisable, for taking all these several measures into their consideration.

Since that time two Bills have been introduced into the Assembly, and I trust that the one of which you transmitted to me a draft, will by this time have passed into an Act, and that the alterations and additions, which you acquaint me it has undergone after commitment, will enable me to consider it (what the provisions of the draft, however praiseworthy in themselves, could not be considered,) a fulfilment of some at least of the most essential of the objects which Parliament and the country have in view.

If, however, the fact should unfortunately be otherwise, you will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Dominica.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me, that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of Dominica on the establishment of a system, both for the improvement of the condition of the Slave Population, and for providing for the manumission of their Slaves or of their families on a principle of equitable appraisement; which system will have fully carried into effect the Resolutions of the Two Houses of Parliament. Nothing will then remain, but to provide for the improvement of the Judicial System, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object would be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution, and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed) BATHURST.

Major-General Nicolay, Dominica.

No. 2.

(No. 19.)

Sir, *Downing Street, 21st May* 1826.

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

For Enclosures vide Bahamas.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th of March 1824, for improving the condition of the Slaves in the Island of Trinidad, with all such modifications of that Order, as have been introduced by any subsequent enactments.

These Enclosures relate to the eight following subjects:—First, the Office of Protector and Guardian of Slaves; secondly, the admission of the evidence of Slaves in Civil and Criminal Cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of Families under judicial process; and eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted, by the authority of the owner.

To each of these enclosures, I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parliament in Session of 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demarara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the

Order in Council, and you will perceive what parts of the Law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this Country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Dominica. I am aware also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing Laws of the Island, and that without a very intimate and practical acquaintance with those Laws, it may perhaps not be possible, safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication, has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the Legislature of Dominica may effectually embody these principles and give effect to those intentions, however much such Laws may depart from the enclosed Drafts in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this Despatch and its enclosures, and requiring them to prepare for your consideration the Drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government as explained in the enclosed Drafts. In performing this duty, they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing Laws of the Colony in which the same, or the like provisions as are contained in these Drafts may be found. They will also consider how far a consolidation of such former Acts, with the projected Bills, may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the Drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those Clauses, and distinguishing with precision what parts of the Clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments of which you will transmit Copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present Despatch without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to

anticipate the continued rejection of Enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty Acts of the Assembly of Dominica fully carrying into effect the spirit of the various provisions which by His command I have now the honour to transmit to you.

I have, &c.

(Signed) BATHURST.

Major-General Nicolay,
&c. &c. &c.

No. 3.

SIR, *Downing Street, 25th May* 1826.

ALONG with this letter you will receive a despatch on the subject of the Slave Laws of the Colony under your Government. You will find in it no more than an incidental notice of the Slave Melioration Act, transmitted by you on the 27th January; for I have found it impossible in my present despatch to enter into a minute examination of this Act, without occasioning delay.

In case, however, the Legislature should meet to consider the subject of my present despatch, before I shall have been enabled to communicate to you the result of my more mature consideration of their recent Slave Act, you will assure them, that I shall not omit the earliest opportunity in my power of offering any observations which may be suggested by that Act, and appear calculated to assist their further legislation upon the subject.

I have, &c.

(Signed) BATHURST.

Major-General Nicolay,
&c. &c. &c.

No. 4.

MY LORD, *Government House, Dominica, 28th August* 1826.

IN the hope that your Lordship has by this time been able to enter into an examination of the Slave Melioration Act, transmitted with my despatch of the 27th January last, I beg leave to observe, that it is very desirable to be made acquainted, as soon as possible, with the result of such examination, as Messrs. Blanc and Glanville (who are arranging for the consideration of the Legislature of this Colony the various papers received with your Lordship's letter of the 21st May last) would then be enabled likewise to introduce any alterations or amendments of the late Melioration Act, which may appear proper, in consequence of your Lordship's remarks thereon.

I have, &c.

(Signed) WILLIAM NICOLAY.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

No. 5.

MY LORD, *Government House, Dominica, 1st February* 1827.

THE measures recommended by His Majesty's Government for improving the condition of the Slave population, and which were communicated in your Lordship's letter of the 21st May last, were in the month of November introduced into the House of Assembly of this Colony, in the form of eight distinct Bills, by Mr. Henry Glanville, who informed me, that, although he was of

course not pledged to support all the particulars when they might come under debate, he gave such explanation, as tended to shew, that the general views of Government were by no means incompatible with the interests of the Colony; and that his explanations appeared to meet with a favourable reception from the House. Owing however, to repeated delays, the Session terminated before the Bills came under discussion.

In opening the present Session, I again called the attention of the legislature to the suggestions for the improvement of the Slave Laws; and I received, from both branches, assurances of their anxiety to meet the wishes of His Majesty's Government in making such further regulations as may appear to them compatible with the security of person and property.

The House of Assembly will meet for the purpose of taking this subject into consideration on the 13th instant, which day was fixed, on account of the late severe indisposition of Mr. H. Glanville with whom the former Bills originated, and whose presence appears most highly desirable.

I have, &c.

(Signed) WM. NICOLAY.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 6.

My Lord, *Dominica, Government House, 24th February* 1827.

AT at a very full meeting of the House of Assembly of this Colony on the 13th instant, a discussion took place (in a Committee of the whole House) on a first clause of a Bill for establishing a Protector and Guardian of Slaves.

The subject was introduced in a very able and temperate manner by Mr. Henry Glanville, and he was supported by some of the members, who adduced strong arguments in favour of the clause, but on a division it was rejected, six members voting for it, and nine against it.

The Committee then proceeded on a Bill "for regulating the manumission of "Slaves, &c;" and afterwards on a Bill "to prevent the separation of Slaves "being members of the same family by virtue of any legal process." Both these I regret to say were likewise rejected.

There appears among the members of the Assembly a great disposition to consolidate all the laws relative to Slaves into one Act, finally declaring to what extent they conceive the Legislature of this Colony can with safety provide for the further melioration of the condition of that class of the population; and I have little doubt that in such an Act many of the measures suggested by His Majesty's Government would be adopted. There exists however a considerable degree of difficulty in framing a Bill to that effect at present, in consequence of not having received any notification with regard to the result of the two Acts already passed by this Legislature, "for repealing the tax on the manumission "of Slaves; and for the further encouragement, protection, and better govern-"ment of Slaves;" the former of which was transmitted to your Lordship on the 9th November 1825, the latter on the 27th January 1826.

It is to be expected that the latter of these Acts will require revisal by the Colonial Legislature before it can be submitted to His Majesty; but without information as to the particular parts thereof that may be deemed objectionable, any new Bill that might be introduced for consolidating the Slave Laws would probably contain a repetition of the objectionable clauses.

After all, I must confess that, although several of the amendments recommended might very likely be acceded to, I much doubt whether the House of Assembly will in any shape, effectually embody in their Laws, a provision for the appointment of a Protector and Guardian of Slaves—a measure of primary importance, and on which many of the other suggested improvements depend.

I have, &c.

(Signed) WILLIAM NICOLAY.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

No. 7.

SIR, *Downing Street, 3d April* 1827.

I HAVE the honour herewith to enclose an order made by His Majesty in Council on the 14th ultimo, by which His Majesty has been pleased to order that the Acts passed by yourself, with the consent of the Council and General Assembly of the Island of Dominica, in November 1825, and July 1826, for repealing the tax on the manumission of Slaves, and for improving the condition of the Slaves, should be confirmed and allowed.

I have received His Majesty's commands, to communicate to you for the information of the Council and Assembly the following remarks, with reference to these Acts.

Upon the two important subjects of marriage, and of the appointment of a Protector and Guardian of Slaves, they appear to be entirely silent. It is unnecessary to make any comment upon the importance of these omissions.

Respecting the observance of Sunday as a day of rest, these Acts appear to contemplate the permanent continuance of markets on this day, and require only that they should be closed during Divine Service, instead of prescribing some fixed and early hour in the forenoon at which they must terminate. No precise time is fixed for the cessation of labour on Saturday evening, or for the resumption of it on Monday morning. It would seem, also, that, consistently with these Acts, Slaves may lawfully be employed to labour on Sunday for hire, or from any other inducement, so long as no actual compulsion is used. Compulsory labour is permitted in all cases of accident and danger, terms so indefinite, as to admit a great latitude of interpretation. In each of these particulars, the provisions respecting the observance of Sunday are defective, and will require revision.

On the subject of the punishment of Slaves, I observe, that the use of the whip in the field is not only not prohibited, but is indirectly sanctioned. The owner is permitted by his own authority to inflict a punishment amounting to thirty-nine stripes; and if the number of stripes so inflicted does not exceed ten, no postponement of the punishment till the following day is required. The presence of a free person as a witness of punishments, inflicted by the domestic authority of the owner, is not rendered necessary. The use of the whip in correcting the offences of females is not prohibited, but is indeed expressly allowed. No limitation is fixed to the extent or severity of any punishment, except that of whipping. These Acts do not require that any record should be kept of punishments. They do not raise any presumption of guilt against the owner, or the person having the charge of Slaves, upon the production of the person of the Slave exhibiting the traces of illegal punishment, attended by his own probable and consistent statement of the circumstances of the case. If the person guilty of inflicting illegal punishments is himself a Slave, no particular penalty is denounced. Although a person should be repeatedly convicted of inflicting an illegal punishment he would not incur any forfeiture of his Slaves, or become incapable of holding such property.

In cases of mutilation, and other cruel punishments, the Slave is to be sold, if the Jury should certify the case to be atrocious. But even in the case thus supposed, of atrocious mutilation, the offender is to receive the price of the Slave. The express authority given to a Slave, employed as a superintendant, to inflict, by whipping, punishment on his fellow Slaves, and the permission to work Slaves in chains, if convicted before a single Magistrate, on the evidence of a fellow Slave of habitual bad conduct, are open to serious objections.

You will call the attention of the Council and Assembly to the necessity of amending these Acts upon the subject of the punishment of Slaves, with reference to the preceding observations. You will also propose to them to revise this part of the Act under consideration, for the purpose of rendering the language of the enactments more definite and perspicuous; since they appear at present, in many points, susceptible of a construction at variance with what I have no doubt was the real intention of the Legislature.

The rules laid down respecting the separation of Slaves, who are members of the same family, are unfortunately destitute of all sanctions for securing the observance of them. The separation of husbands and wives, and of children from

their father, is not forbidden, and even the mother may be separated from any child which has attained its 12th year.

You will perceive that these deviations from the plan as originally proposed will unavoidably impair, to a great degree, the efficacy of the measure.

Upon the rules contained in the Act for protecting the property of Slaves, I am to remark, that the taking away such property is not made penal, unless it be taken "forcibly." And the only property which it is declared penal to take away is such as the Slave is authorised to possess both by law and by custom. But if, as I apprehend, no positive law exists on the subject, it follows that the penalty can never be enforced. No provision is made for securing the payment of debts owing to Slaves, if due as the hire of labour, or arising out of any contract; and upon the subject of legacies the Act is wholly silent. When the owner is himself the debtor the Act has given no remedy whatever for the recovery of any debt; and in general it appears, that the means prescribed for recovering penalties for offences committed against the property of Slaves, and for enforcing the payment of debts due to them, are defective and insufficient.

On the subject of manumission, I perceive that the fees formerly payable are not abolished. No provision is made for the manumission of Slaves subject to mortgages and settlements; nor in those cases where the owner is absent or unknown, or labours under some legal incapacity to effect the manumission. The consent of the owner is in all cases the essential condition of manumission, so that the Slave cannot claim to be set free upon the payment of his value, even though that value be estimated upon the most equitable principle of compensation. Upon this point it is necessary only to recall your attention to the remarks and explanations which I have already had the honour of communicating to you, from which His Majesty's Government are not prepared to recede.

Respecting evidence, it appears that these Acts do not require that any registry should be kept of those Slaves whose competency to understand the nature of an oath is certified by their religious teachers. The Slave is not permitted to give evidence for or against his owner in any criminal case. The rejection in every case of the testimony of a single Slave may be productive of great inconvenience, and does not seem to rest upon any solid principle. If a Slave's evidence were supported by that of a free person, the Act does not even in that case allow the Slave to be heard. The confirmation must come from a fellow Slave. The necessity of being duly baptized in order to give evidence is not very apparent. It is not baptism, nor even the profession of Christianity, upon which the credibility of a witness depends. An unbaptized Slave who, in the language of this Act, "thoroughly comprehends the true nature and meaning "of an oath," appears to be an unobjectionable witness. The rule which would prevent any conviction upon the evidence of Slaves, more than twelve months after the commission of the offence, might in many cases be productive of extreme injustice.

In the preceding remarks I have adverted to those parts of the Act in consideration, which appear to have been framed with reference to the recommendations of His Majesty's Government. I proceed to notice some additional regulations for improving the condition of the Slaves, which the Legislature of Dominica have thought it right to establish.

The rules respecting food, clothing, lodging, and medical attendance, would be highly valuable if they had been laid down in more precise and definite terms. On the subject of labour, this Act appears to contemplate the employment of the Slaves for fourteen hours and a half every day during crop, and for eleven hours and a half daily during the remaining part of the year. Now, when it is remembered, that in addition to this employment, there will remain many minor domestic and other offices to be performed, it is difficult to understand how such a degree of exertion can be compatible with a due regard to the health of the Slaves.

The rules of law which are laid down on the subject of offences against property, seem to confound together crimes of very different degrees of malignity. Thus the crime of burglary is confounded with the offence of breaking into any building and robbing therefrom. I observe also that the attempt to commit crimes is in many cases made punishable with the same degree of severity as if the crime had been actually committed, and that the amount and nature of the

punishment is generally left at the entire discretion of the Court. Some terms also are employed in describing capital crimes, which I apprehend have no fixed and definite signification. I refer particularly to the words "mutiny" or "mutinous," and the word "ringleaders." It is obviously inconvenient to create capital felonies by the use of terms susceptible of so much latitude of interpretation.

The 28th clause of the Act, numbered 337, denounces heavy punishments for the use of certain words. I perceive with regret that the language of this enactment is so obscure, that it may receive an indefinite variety of constructions. The apparent intention is to interdict all writing and discourse hostile to the existing laws and usages of the Island on the subject of slavery. Without intending to deny the importance of repressing the use of language dangerous to the peace of the Colony, I must yet observe, that banishment and unlimited fine and imprisonment at the discretion of the Court, do not appear to be appropriate punishments for any language, except such as is either treasonable or seditious.

The Act provides an indemnity for the owner in every case in which a Slave may be executed, a regulation which, in many cases, would be highly unjust, and which in many more, would be plainly inexpedient.

His Majesty is graciously pleased to acknowledge with commendation the disposition which the Legislature of Dominica have manifested in many of the provisions of these Acts, to improve the condition of the Slave population, and considering that they are in general framed in such a manner as to promote the well-being of that class of society, His Majesty has, with the advice of His Privy Council, been pleased to confirm them; but you will avail yourself of the earliest opportunity for again bringing the subject, in connexion with the preceding remarks, under the consideration of the Council and Assembly, and you will apprise them, that His Majesty's Government will anxiously expect a revision of these Acts, with a view to the remedy of the various defects and omissions which I have pointed out.

I have, &c.

(Signed) BATHURST.

Major-General Nicolay,
&c. &c. &c.

GRENADA.

No. 1.

(No. 9)

Sir, *Downing Street, 19th March 1826.*

WHEN I had the honour of communicating to Mr. President Paterson the Resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Grenada, some of the measures which His Majesty's Government recommended for improving the condition of the Slave population. In 1824, I had the honour of communicating to him a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population. Secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families; and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing him to lay this order before the Council and Legislative Assembly, I thought it necessary, in the first instance, that it should be left to them to proceed in such manner as might appear to them advisable for taking all these several measures under their consideration.

Since that time, an Act has been passed by the Legislature, the many beneficial provisions of which have entitled it to His Majesty's approbation; and I should have received with additional satisfaction the President's despatch of the 23d November, No. 80, in which he expresses his confidence that the Legislature will amend those provisions of the Act which had appeared to me inadequate to the execution of their objects, had he not, at the same time, led me to apprehend a continued reluctance on the part of the Legislature to resume the consideration of those important reforms which the Act leaves unprovided for.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you the measures contained in the Order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable with the existing laws of Grenada.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be embodied, or make such amendments or modifications of their provisions as the Assembly may deem expedient unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me, that the Council and

Assembly have agreed to Bills, substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these Bills, to congratulate you, and the Legislature of Grenada, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves and of their families, on a principle of equitable appraisement, which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose, in the examination of the constitution and practice of the Courts of Justice in the Island.

I have, &c.
(Signed) BATHURST.

Major-General Sir J. Campbell, K.C.B.
&c. &c. &c.

No. 2.

(No. 15.)

My Lord, *Government House, Grenada, 7th April* 1826.

I HAVE the honour to transmit to your Lordship copies of two several Acts which have passed the Legislature of this Colony, intituled respectively, "An Act "to remove doubts respecting the repeal of certain Acts relating to the payment "of one hundred pounds upon the manumission of Slaves, and for legalizing all "such deeds of manumission as have been executed heretofore, without such "payment being made;" and "An Act to declare the Ecclesiastical Laws and "Canons now in force in England, in so far as they relate to the Ecclesiastical "Regimen of the Clergy, in force in these Islands."

I have, &c.
(Signed) JAMES CAMPBELL.

Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

An Act to remove doubts respecting the Repeal of certain Acts relating to the payment of one hundred pounds upon the manumission of Slaves, and for legalizing all such deeds of Manumission as have been executed heretofore, without such payment being made.

Preamble.

Recites Act of 25th October 1806.

WHEREAS by an Act made and passed on the 25th day of October 1806, intituled, "An Act to repeal so much of an Act commonly called the Guardian Act, as gives an annuity of ten pounds to any Slave manumitted according to the directions of that Act, and for certain other purposes;" it is enacted that every Owner manumitting his or her Slave, shall pay to the Treasurer of these Islands the sum of one hundred pounds current money, for each and every Slave so manumitted, in manner required by a certain Act of the Legislature, and which hath since been repealed; and no manumission that has been given since the passing and publication of the aforesaid Act, nor that shall hereafter be given by any Owner to any such Slave, shall be admitted as evidence in any Court of his or her freedom, unless there shall be a certificate by the Treasurer aforesaid, on such manumission of the aforesaid sum of one hundred pounds having been paid; and the same manumission shall have been duly recorded in the Register's office of this Island. And it is also enacted that no other evidence of the freedom of any person pretending to have obtained such since the 9th day of December 1797, shall be received in any Court other than such manumissions, so certified by the Treasurer as aforesaid, or in case such manumission being lost, a copy thereof from the said Register's Office. And whereas by an Act made and passed the 27th day of July 1818, intituled, "An Act to repeal so much and such parts of an Act, intituled, An Act for the better protection and

Recites Act of 27th July 1818.

for promoting the natural increase and population of Slaves within the Island of Grenada, and such of the Grenadines as are annexed to the Government thereof; for compelling an adequate provision for and care of them, as well in sickness and old age as in health; and for constituting guardians to effectuate and carry into execution the regulations and purposes of this Act, as relates to or directs the payment of one hundred pounds on the manumitting of each Slave, and to the execution in any other place than within this Government, of deeds of manumission of persons usually residing therein," it is enacted that the original of all manumission or other Acts of Freedom made, given, granted, or executed subsequent to the 9th day of December 1797, whether by last will and testament or otherwise, after being duly proved according to law, and if proved and recorded in the Register's Office of these Islands, in manner prescribed by law, and such originals cannot be produced, then office copies thereof, duly certified by the Registrar of these Islands for the time being, or his lawful deputy, should and might be received and admitted in evidence in all Courts of Law and Equity in these Islands, and should be valid to all intents and purposes whatsoever.

Recites the late repeal of the Act of 9th December 1797, and that doubts had arisen whether certain clauses of Act of 25th October 1806, are not still in force;

and that it is desirable that the doubts should be removed, and every facility given to manumission of deserving Slaves.

And whereas the said Act, intituled, "An Act for the better protection and for promoting the natural increase and population of Slaves within the Island of Grenada, and such of the Grenadines as are annexed to the Government thereof, for compelling an adequate provision for and care of them, as well in sickness and old age as in health, and for constituting and appointing guardians to effectuate and carry into execution the regulations and purposes of this Act hath lately been altogether repealed, but doubts have been entertained whether the before recited clauses in the before mentioned Act passed upon the 25th of October 1806, are not still in force, notwithstanding the provisions of the Act passed the 27th day of July 1818. And whereas it is desirable that all doubts should be removed on that point, and that every facility should be given to the manumission of deserving Slaves according to the spirit of the laws now in force: Be it therefore enacted, by His Excellency Major-General Sir James Campbell, Knight, Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief in and over the said Island of Grenada and its dependencies, the Members of the Council and the General Assembly of these Islands, and it is hereby enacted, by the authority of the same, that the said recited Act made and passed on the 25th of October 1806, intituled, "An Act to repeal so much of an Act commonly called the Guardian Act, as gives an annuity of ten pounds to any Slave manumitted according to the directions of that Act, and for certain other purposes;" and also the said recited Act made and passed the 27th day of July 1818, intituled, "An Act to repeal so much and such parts of an Act, intituled, An Act for the better protection, and for promoting the natural increase and population of Slaves within the Island of Grenada and such of the Grenadines as are annexed to the Government thereof, for compelling an adequate provision for and care of them, as well in sickness and old age as in health, and for constituting guardians to effectuate and carry into execution the regulations and purposes of this Act," as relates to or directs the payment of one hundred pounds on the manumitting of each Slave, and to the execution in any other place than within this Government, of deeds of manumissions of persons usually residing therein shall be, and the same are hereby repealed, and any Act or Acts, part or parts of any Act or Acts by such Acts repealed, shall be, and the same is, and are hereby also repealed.

Clause 1.

Act dated 25th October 1806, and also Act of 27th July 1818, repealed.

Clause 2.

All manumissions or other Acts of Freedom made since 9th December 1797, or hereafter to be made and executed, whether by will or otherwise, if duly proved and recorded in Register's Office, shall be admitted in evidence, and be valid and effectual in law; and if original deeds cannot be produced, office copies admitted as proof of freedom in all Courts of Law and Equity.

And be it further enacted, that all manumissions and other Acts of Freedom made and granted for the purpose of enfranchising Slaves which have been made and executed since the 9th day of December 1797, or which shall or may be hereafter made and executed, and whether made by last will and testament or otherwise, after being duly proved according to law, and if proved and recorded in the Register's Office of this Island in manner prescribed by law, shall be received and admitted as evidence of freedom in all Courts of Law and Equity in these Islands, and shall be valid to all intents and purposes whatsoever, any law, usage, or custom, heretofore subsisting to the contrary, in any wise notwithstanding; and if the original document establishing such freedom cannot be produced, then office copies thereof, duly certified by the Registrar of these Islands for the time being, or his lawful Deputy, shall and may be admitted as proof of freedom.

Clause 3. Declared a Public Act.

And be it further enacted, by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and shall be judicially noticed as such by all Judges, Justices, and other persons without specially pleading the same.

Passed Assembly 8th March 1826.

Passed the Assembly this 8th day March 1826.
(Signed) JOHN CHARLES KER, Clerk of Assembly.

Passed Council 9th March 1826.

Passed the Council this 9th day of March 1826.
(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Dated 11th March 1826.

Dated at the Town of Saint George, in the Island of Grenada, this eleventh day of March, in the seventh year of the reign of our Sovereign Lord George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and twenty-six.
(Signed) JOHN HOYES, Speaker.

Assented to 11th March 1826.

Assented to by His Excellency the Governor and Commander in Chief, this eleventh day of March, in the year of our Lord one thousand eight hundred and twenty-six, and the seventh year of His Majesty's reign.
(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Published 14th March 1826.

Proclaimed in the Town of St. George, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and the seventh year of His Majesty's reign.
(Signed) J. BOUCHER, Provost Marshal General.

(Signed) JAMES (L.M.S.) CAMPBELL.

An Act to declare the Ecclesiastical Laws and Canons now in force in England, in so far as they relate to the Ecclesiastical Regimen of the Clergy in force in these Islands.

Preamble.

WHEREAS the King's most Excellent Majesty hath been graciously pleased by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect, found, ordain, make, and constitute the Islands of Barbadoes, Grenada, Saint Vincent, Dominica, Antigua, Montserrat, Saint Christopher, Nevis, and the Virgin Islands, Trinidad, Tobago, and Saint Lucia, and their respective dependencies, to be a Bishop's See, and to be called from henceforth the Bishoprio of Barbadoes and the Leeward Islands. And His said Most Excellent Majesty hath, by the same Letters Patent, named and appointed William Hart Coleridge, Doctor in Divinity, to be Bishop of the said See. And whereas, in order the better to give effect to the powers and authorities vested in the said Lord Bishop of Barbadoes and the Leeward Islands so appointed, and his successors in the See; and that he and they should be enabled in the most full and ample manner to exercise spiritual and ecclesiastical jurisdiction in and over the Clergy of these Islands. Be it therefore enacted by His Excellency Sir James Campbell, Knight, Commander of the Most Honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island of Grenada and its Dependencies, Chancellor and Ordinary of the same, the Members of His Majesty's Council, and the General Assembly of the said Island, That all laws, ordinances, and canons ecclesiastical, which are now issued and in force in that part of the United Kingdom of Great Britain and Ireland called England, in so far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over the Clergy therein, and all rules and regulations for carrying the same into effect, shall be esteemed, accepted, and taken to be in full force and virtue within these Islands (save and except in so far as the said laws, ordinances, and canons ecclesiastical, or any of them, are inconsistent or at variance with the provisions of an Act of the Legislature of these Islands, intituled, An Act to repeal an Act for providing a support for the Clergy of these Islands. An Act to supply the defects of former parish registers, to compel the due and orderly keeping thereof in fu-

Clause 1.

All laws, ordinances, and canons ecclesiastical, in force in England, as far as they relate to the ordering and ecclesiastical regimen of the Clergy, declared in force in these islands;

except in so far as any of them may be inconsistent with the provisions of the Clergy Acts.

ture; to prevent the celebration of marriage, otherwise than is therein directed; and to prescribe how persons professing the Roman Catholic religion may have their baptisms, marriages, and burials duly entered in the parish registers of the Established Church. And an Act to amend so much of an Act, intituled, An Act for providing a Support for the Clergy of these Islands, as relates to the Town and Parish of Saint George, and to provide a Support for the Clergy of this Government, and other purposes. And that the Courts of Common Law in this Island shall and may from time to time and at all times be aiding and assisting in enforcing and carrying into execution such proceedings and processes, orders, sentences, adjudications, and decrees, at any time to be issued, had, made, or given, in respect to the Clergy within this Island, in the same manner, to all intents and purposes, as the Courts of Common Law within that part of the said United Kingdom called England, lawfully may or are authorised, empowered, or required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes, proceedings, orders, sentences, adjudications and decrees, issued, had, made, or given in the said last mentioned Courts, any law or custom to the contrary in any wise notwithstanding.

Courts of Common Law enjoined to be aiding and assisting in enforcing processes, orders, &c. in same manner as Courts of Common Law in England.

Clause 2.

And be it further enacted, that it shall and may be lawful for the aforesaid Bishop and his successors, by him or themselves, or by his or their sufficient Commissary or Commissaries, by him or them to be lawfully substituted and named, to exercise all manner of jurisdiction, power, and coercion ecclesiastical that may be requisite, in, over, and upon all Rectors, Curates, Ministers, and Incumbents of all the Churches within this Island and its dependencies, wherein Divine Service shall be celebrated according to the Rites and Liturgy of the Church of England, and all Priests and Deacons in Holy Orders of the Church of England resident in this Island and its dependencies.

Bishop authorised to appoint a Commissary or Commissaries, and to exercise all manner of jurisdiction, &c. over and upon the Clergy.

Clause 3.

And be it further enacted, that it shall and may be lawful for the Lord Bishop of Barbadoes and the Leeward Islands for the time being, his Commissary or Commissaries, to issue under their hand and seal of office of the Commissary or Commissaries by him appointed, one or more summons or summonses directed to any person or persons whomsoever, whether Laymen or Clergymen, to appear as witnesses, to give their testimony on oath, which the Lord Bishop of Barbadoes for the time being, or his Commissary or Commissaries, are hereby empowered to administer, either for or against the party accused, and also to grant a protection or protections for any witness or witnesses so summoned, who may desire the same, in as full form, power, and effect, as may or can be legally granted by any of the Courts of Law or Equity in this Island, and which protection or protections shall be observed by all officers in like manner as they would have been had they issued from any other of the said Courts. And in case it shall appear to the said Lord Bishop of Barbadoes for the time being, or his Commissary or Commissaries, that such person or persons was or were duly summoned, and neglected or refused to appear without a just and reasonable excuse, to be approved and allowed by the said Lord Bishop for the time being, his Commissary or Commissaries; or, appearing, shall neglect or refuse to be sworn or give testimony, or shall swear falsely, the said Lord Bishop of Barbadoes for the time being, his Commissary or Commissaries, shall, and he and they is and are hereby authorised and empowered to proceed against every such witness or witnesses in contempt, or who shall swear falsely, in the same manner as a Judge of any Court of Law or Equity may, might, or could legally proceed against such witness or witnesses, had such contempt or false swearing been committed in any of the said Courts, and such witness or witnesses shall, on a conviction before the Supreme Court of Judicature, to be holden for this Island and its dependencies, be liable to incur the like pains, fines, and penalties, as would or might have been inflicted on him, her, or them, for or by reason or means of such contempt or false swearing, had the same been committed in any other Court of this Island.

Bishop and his Commissaries authorised to issue compulsories for the attendance of witnesses, whether laymen or clergymen; and to administer oaths, and examine thereon; and to grant protections to such witnesses so summoned, if required, in as full form and effect as can be granted by any Court of Law or Equity.

Witnesses so summoned refusing to appear or to be sworn, or, being sworn, swear falsely, Bishop or his Commissaries empowered to proceed against them in contempt, or in such manner as any other Court of Law or Equity.

On conviction before the Supreme Court of Judicature, liable to same pains and penalties as if such contempts or false swearing had been committed in any other Court of this Island.

Passed the Assembly, this eleventh day of March, one thousand eight hundred and twenty-six.

(Signed) JOHN CHARLES KER, Clerk of Assembly.

Passed the Assembly 11th March 1826.

Passed the Council, this eleventh day of March, one thousand eight hundred and twenty-six.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Passed the Council 11th March 1826.

Dated 14th March 1826.

Dated at the Town of St. George, in the Island of Grenada, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and of His Majesty's reign the seventh.

(Signed) JOHN HOYES, Speaker.

Assented to 14th March 1826.

Assented to by His Excellency the Governor and Commander-in-Chief, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and in the seventh year of His Majesty's reign.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Published 14th March 1826.

Proclaimed in the Town of St. George, this fourteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and in the seventh year of His Majesty's reign.

(Signed) JOHN BOUCHER, Provost Marshal General.

(Signed) JAMES (L.M.S.) CAMPBELL.

No. 3.

(No. 11.)

SIR, *Downing Street, 21st May* 1826.

IN my Despatch to you, dated the 19th March last, I had the honour to announce to you, that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Vide Bahamas.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects: First, the Office of Protector and Guardian of Slaves; secondly, the admission of the Evidence of Slaves in civil and criminal cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of families under judicial process; and, eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner.

To each of these enclosures I have subjoined Notes, explanatory of the deviations which may be found in them, from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parliament Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Grenada. I am aware, also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, perhaps, not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the

form and language of legislative Acts, because, in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of Grenada may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore immediately on receiving this despatch, make a confidential communication on the subject, to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard, not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the Colony, in which the same or the like provisions as are contained in these drafts may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing, every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from the means which you have possessed, since your assumption of the Government, of making yourself acquainted with the established usages of Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments, so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Grenada, fully carrying into effect the spirit of the various provisions, which by His command I have now the honour to transmit to you.

I have, &c.

(Signed) **BATHURST.**

Major-General Sir James Campbell, K. C. B.
&c. &c. &c.

No. 4.

(No. 25.)

My Lord, *Government House, Grenada, 30th June* 1826.

I have the honour to acknowledge the receipt of your Lordship's letter, No. 11, of the 21st May last, transmitting the measures contained in the Trinidad Order in Council, classed under separate heads; and I beg to assure your Lordship that no time shall be lost in giving all the effect in my power to the wishes of His Majesty's Government on this important subject.

I have, &c.

(Signed) JAMES CAMPBELL.

The Right Hon. the Earl of Bathurst, &c. &c.

No. 5.

(No. 43.)

My Lord, *Government House, Grenada, 3d October* 1826.

I have now the honour of transmitting to your Lordship an account of the proceedings I have adopted in regard to the measures recommended by His Majesty's Government, to be submitted to the Legislature of this Island, for the amelioration of the Slave population, and the result of the same.

The House of Assembly having met for the despatch of public business on the 15th May last, I deemed it prudent to lay before it your Lordship's communication of the 19th March, as the best means I could devise for preparing the way for the introduction of the various measures recommended for their adoption, and also of giving the House every possible information on the subject, and ample time for deliberation. On the 19th of the same month, the House applied for an adjournment to the 3d July, which I granted.

Immediately on the receipt of your Lordship's despatch of the 21st May, (on the 29th June ult.) containing the definite instructions of His Majesty's Government on these important measures, I laid the same before Fielding Browne, Esquire, His Majesty's Attorney-General, with instructions to prepare the necessary Bills to be submitted to the Legislature, with all possible despatch.

The House having, pursuant to their adjournment, met on the 3d July, I addressed them by message on the 5th of the same month, in which I communicated to them, that the Heads of Bills for the amelioration of the Slave population had been received from Earl Bathurst; that they had been put into the hands of the Attorney-General for the purpose of being prepared to lay before the Legislature, and that I had every reason to believe they would be ready for that purpose early in the ensuing month.

On the day following my communication, the House of Assembly applied for an adjournment to the 7th August, to which I acceded, being well assured that the Bills would be ready by that time to be laid before it.

On the 28th July, I received from the Attorney-General the drafts of eight Bills, embracing all the measures recommended by His Majesty's Government, accompanied by a letter from him (a copy of which I have the honour to enclose to your Lordship), pointing out the various alterations he had made in the instructions, the better to adapt them to the existing Slave consolidated Act of the Colony.

Anxious to obey your Lordship's instructions, and to proceed with every regard to the constitutional privileges of the Council and Assembly, so as to afford no reasonable cause for any jealousy or complaint, I deemed it prudent to consult the Attorney-General as to the best and most prudent manner of getting these Bills before the Assembly, as I understood they could not originate in the Council, being in the nature of money Bills, when it was determined (as there was no person then in the Colony on whom I could officially call) that I should apply to Mr. Sharpe, His Majesty's Solicitor-General of this Colony, and a member of the House of Assembly, who was daily expected from Barbadoes (where he had gone a few months previous on my leave of absence) to attend in his place for this purpose, but on finding he could not be at Grenada so soon as expected, I caused a vessel to be hired immediately, and forwarded my application to him by her. I have much pleasure in informing

your Lordship, that Mr. Sharpe most readily acceded to my request; but in consequence of the multiplicity of business in which he was then engaged, he informed me that he could not be in Grenada before the beginning of the ensuing month.

On the 7th August the House again met, and on the 9th applied for an adjournment to the 13th November, which I granted, intending, on the arrival of Mr. Sharpe, immediately to call the Legislature together by Proclamation.

Mr. Sharpe having arrived on the 28th of the month, I issued a Proclamation for the assembling of the Legislature on the 11th September, when I sent to the House of Assembly the following message:

"The Governor has deemed it necessary to convene a Meeting of the Legis-
"lature at an earlier period than that to which it stood adjourned.

"The Governor begs leave to call the attention of the Honourable House to
"his communications of the 17th May, and 5th July last, on the subject of the
"amendment of the laws suggested by his Majesty's Government for the
"improvement of the condition of the Slave population, and now earnestly
"recommends to the early and dispassionate consideration of the Honourable
"House the measures which will be submitted to them, for giving effect to that
"important object."

Mr. Sharpe having attended the House, and moved for leave to bring in all the Bills, it was suggested to him, that he should move for leave to bring them in separately, which he did, when I am extremely sorry to inform your Lordship, that the motions were all negatived, and the Bills consequently rejected. I beg to enclose for your Lordship's information, a copy of the Solicitor-General's letter to me announcing the result of his motions.

On the 14th, I received from the House of Assembly the enclosed answer to my communication of the 11th, in which your Lordship will perceive that the House, previous to the rejection of these Bills, had appointed a Committee for the purpose of amending their late consolidated Slave Act, in pursuance of the recommendation of your Lordship, contained in your despatch of the 20th October 1825, accompanied by one marked "separate."

I regret extremely that these Bills were not entertained by the House; but from the willingness that Body has on former occasions evinced to meet the wishes of the Imperial Parliament, and of the Mother Country, I do still entertain the most sanguine hopes that they will enter into the views of HisMajesty's Government at their meeting on the 23d of the present month, to which the House stands now adjourned.

Immediately on the Report of the Solicitor-General, that the Bills had been rejected, I summoned His Majesty's Council, and submitted to them, these Bills, when I have much pleasure in informing your Lordships, they immediately determined to take them into their consideration. I have the honour of enclosing to your Lordships, the minutes of the House of Assembly on the rejection of the Bills.

I trust that the line of conduct I have adopted on this most important occasion, and which has occasioned me the greatest anxiety, will meet with your Lordship's approbation, and I beg to assure your Lordship, that I shall seize every opportunity of impressing upon the Legislature of this Colony, the paramount necessity of adopting the measures recommended by His Majesty's Government.

I have, &c.

(Signed) JAMES CAMPBELL.

The Right Hon. Earl Bathurst,
&c. &c. &c.

SIR, *Grenada, 28th July* 1826.

IN compliance with the instructions contained in Lord Bathurst's despatch of the 21st May last to your Excellency, and its enclosures which have been communicated to me by his Lordship's desire, I have prepared for your Excellency's consideration, Bills, to be introduced into the Legislature of this Colony, for giving effect to the wishes of His Majesty's Government relative to the improvement of the condition of the Slaves in this Island; and, in further obedience to his Lordship's commands, now have the honour to submit the following observations on the proposed laws to your Excellency:

Although I observe a discretion is left to the Law Officers to embrace the different measures enumerated in the despatch in as many Bills as they may think proper to prepare, I do not (in the absence of my Coadjutor, the Solicitor-General, of whose assistance I regret I am deprived on this occasion) feel myself warranted in deviating from the course pointed out in his Lordship's instructions on the subject, and have therefore prepared a separate Bill for each measure, agreeably to the mode adopted in framing the drafts of Bills transmitted by Lord Bathurst to your Excellency, and now before me.

The first Bill is for the Establishment of the office of a Protector and Guardian of Slaves.

I have not thought it necessary to make any alteration in the draft of the Bill for this purpose transmitted by his Lordship. As there is not any clause in the Draft, requiring a salary to be provided by the Legislature of the Island for the Protector and his Assistants, I have not thought it advisable to insert one for that purpose, being uncertain whether it be the wish of His Majesty's Government that the salaries should be provided by them, or by the Colony. But as salary is alluded to in that part of the draft wherein the Protector and his Assistants are prohibited from taking any fees besides their salaries, I am inclined to consider the omission of a clause, requiring the Legislature to provide such salaries, as intentional on the part of his Lordship.

The second Bill is for the admission of the evidence of Slaves in civil and criminal cases.

By the forty-seventh clause of the late Act for the Amelioration of the state of the Slaves, passed by the Legislature of this Island last year, the evidence of Slaves is permitted to be received in courts of justice in all cases of prosecutions of any white or free person for felony, punishable with death or transportation, provided a certificate of baptism, and also of good character and reputation, and of instruction in the principles of religion so as to understand an oath, be produced; but no conviction for felony of such white or free person can take place, unless on the testimony of two slaves, corroborated by circumstantial evidence, and such testimony cannot be received after the lapse of twelve months; but by this Act their evidence was excluded in all civil cases.

I have thought it adviseable, by the Bill I had framed, to repeal the whole of this clause, and to substitute the enactments of the draft of the Bill sent to me, with the alterations hereafter mentioned.

According to the provisions of the Bill, as I have prepared it, the law on this subject will be, that the evidence of Slaves will be admissible in all civil cases, on production of a certificate that they are instructed in the principles of religion, and understand the nature of an oath, save those in which the Master may be directly concerned, and will be admissable in all criminal cases, on production of the like certificate. Provided that no conviction of a white or free person for felony, punishable with death or transportation, can take place, except on the clear testimony of two Slaves, corroborated by circumstantial dence.

The third Bill regulates the proceedings in cases of Manumissions, and gives the right to purchase Manumissions to Slaves.

The only provision of the late Amelioration Act, in cases of the Manumission of Slaves, is in the fifty-first clause, which authorises the owner of a Slave, which may be under any incumbrance, to manumit the Slave without the consent of the incumbrancer, provided an appraisement of the Slave is made and another Slave be purchased and substituted in place of the one so manumitted. I have repealed this clause of the late Slave Amelioration Act altogether by the Bill I have prepared, and substituted the enactments of the Draft sent to me, with some trifling alterations, one of which it may be proper to notice. All deeds of Manumissions, before they can be registered, must be proved by acknowledgment of the party making them, before one of the Justices of the Supreme Court of Judicature, or the Register of Deeds, or by one of the subscribing witnesses thereto, before one of the Justices of the Supreme Court of Judicature, and a fee is paid to him for the same. By the draft of the Bill sent me, a fee is directed to be paid by the Protector of Slaves to the Register for registration of the same only; as the prohibition of the payment of any other fees interfere with the rights of the Chief Justice, and other Justices, I have included the fee to which has been hitherto paid for proving such deeds, as one to be paid by the Protector.

The fourth Bill regulates the celebration of Marriages between Slaves.

The fifth clause of the late Slave Amelioration Act, authorizes the marriage of Slaves belonging to the same owner on the permission of the owner being obtained for that purpose; but there is no appeal to any authority in case of the consent of the owner being withheld; and as the provisions of the draft of the Bill sent me are much more full and efficient on this subject, I have repealed this clause of the late Slave Amelioration Act by the Bill I have prepared, and substituted the whole of the enactments of the draft sent to me.

The fifth Bill is for the suppression of markets on Sunday, and the due observance of that day.

By the second and third clauses of an Act for establishing markets in the towns in the Island, and which is number 37 of Smith's collection of the Laws of Grenada, markets are authorized to be held on certain hours of every day in the year. The hours of holding the markets on Sunday are from six in the morning until eleven in the forenoon, I have therefore, by the draft of the Bill I have framed, repealed so much of the above mentioned Act as authorizes the holding markets on any part of Sunday.

By the forty-sixth clause of the late Slave Amelioration Act, shops are prohibited to be kept open on Sunday, but as this enactment is not so full and efficient as that of the draft sent me, I have, by the Bill I have prepared, repealed this clause and substituted the latter in its place.

As the different markets are authorized to be holden on every day of the year, the provisions of the fifth clause of the draft sent to me are not called for, and I have omitted the same in the Bill I have prepared.

By the late Amelioration Act, the markets hours on Thursday are from six in the morning until six in the evening; but there is no law, the Island giving permission to Slaves to attend the markets during those hours on Thursday, nor any provision in the draft for that purpose. I have inserted a clause in the Bill I have prepared, making it lawful for Slaves to attend the markets so to be holden on Thursday, and imposed a penalty on the Owner for withholding his permission for that purpose from the Slave.

By the eighth clause of the late Slave Amelioration Act, owners of Slaves are prevented employing them on Sunday, but the hours of exemption from work not being sufficiently accurately defined, I have framed a clause defining the hours of rest, and have omitted clause six of the draft.

The sixth Bill is to enable Slaves to acquire property.

By the fifty-second clause of the late Slave Amelioration Act, Slaves are allowed to hold personal property, and a penalty of ten pounds for depriving a Slave of any such property is inflicted over and above the value of the property so taken away. I have repealed this clause, and substituted the enactments of the draft with some alterations. The law, as thus proposed, will then be, that a Slave may acquire and hold any species of property, save Slaves, fire arms, and ammunition. The prohibition of a Slave to hold Slaves may seem extraordinary and unnecessary, but the fact is, that several Slaves possess other Slaves, by whose labour they derive considerable profits; and it appears to me, that among the privileges secured to the Slaves this should not be one, but they should be distinctly and expressly prohibited from owning that species of property. As inconvenience might arise from the abuses which a litigious Slave might make of the privilege of bringing suits, I have deemed it advisable to frame a clause authorizing the Slave to sue in the name of the Protector, provided his sanction be previously obtained for that purpose. As the right of suing and being sued is proposed to be given to the Slave, it is but just to provide that no injury shall arise to the owner from one of the consequences of that privilege; that is to say, the liability of the person of the Slave to be seized under judicial process. I have therefore inserted a clause in the Bill I have framed, exempting his person from being liable to be taken in execution.

The seventh Bill is to prevent the separation of families under judicial process.

By the fiftieth clause of the late Slave Amelioration Act, a Slave having a husband, wife, or child under twelve years of age, cannot be sold apart under judicial process. I have left this clause unaltered by the Bill I have prepared, and in lieu of the first clause of the draft sent me, I have framed a clause prohibiting the separation of any reputed husband, wife, and child, under judicial process, and adopted the second clause of the draft.

The eighth Bill is for preventing abuses in the punishment of Slaves.

By the first clause of the draft sent to me, the Protector and Guardian of Slaves is required in cases of prosecutions of Slaves, for offences punishable by death or transportation, to attend the trial, and to act for the benefit of the Slaves, in the same manner as by the law of the Island a counsel may act for a free person. As, in such cases, a Slave is entitled by the thirty-seventh clause of the late Slave Amelioration Act, to have Counsel assigned to him, without whose assistance he cannot be tried, I thought it advisable, in the Bill I have prepared, to alter this clause of the draft, and to substitute another, by which the Protector is required to advise with a Slave charged with any crime, and to attend the Court as his friend, and consult with, and instruct the Counsel to be assigned to him, as to the steps requisite for his defence. This seems a highly necessary provision, as otherwise, should a person not brought up in the study of the law be appointed to the office of a Protector, and be called upon to undertake the defence of a Slave in questions of difficulty and intricacy which may arise in the course of the trial, his assistance will be totally useless. There is, however, a proviso, that should the Protector be a barrister, in such case he shall be assigned by the Court as the Counsel of the Slave.

By the twelfth clause of the late Slave Amelioration Act, Slaves are prohibited from carrying a whip as an emblem of authority, while superintending the labour of the Slaves in the field. I have left the clause unaltered, and adopted the second clause of the draft sent to me, whereby this prohibition is extended to all persons, whether free or Slave.

The tenth clause of the late Slave Amelioration Act, regulates the pnnishment of Slaves by their owners. The provisions of this clause being not as satisfactory, and so well calculated to answer the objects intended as those of the draft, I have thought it right to repeal it altogether, and in place thereof to substitute the enactments of the second and third clauses of the draft sent to me. I have inserted a clause repealing all such parts of the late Slave Amelioration Act as authorize in any case the flogging of female Slaves, and have adopted the rest of the clauses of the draft sent to me, except the eighteenth and twenty-first.

By the thirteenth clause of the late Slave Amelioration Act, in case any owner of a Slave or other person shall ill-treat such Slave, he is liable to be prosecuted for such offence; and by the fourteenth clause of the same Act, upon the prosecution of the owner, possessor, or party, under whose charge the Slave may be, the Slave is admitted as a witness, notwithstanding such Slave be unable to produce to the Court the certificate required by the Act, to render him a competent witness in other cases therein provided for; and by the thirteenth clause of the same Act, if the owner of a Slave is convicted of such offence, the Court before whom he is tried, is authorized to order the Slave to be sold, or in its discretion to declare and adjudge such Slave to be free. I have therefore thought the adoption of the eighteenth and twenty-first clauses of the draft not necessary, as the objects of them seem to be thus already amply provided for.

I trust the reasons which I have above assigned, for framing the Bills with these modifications, so as to adapt them to the existing laws and constitution of the Colony, will be satisfactory to Lord Bathurst, and that, if passed into laws by the Legislature, they will give full effect to the intentions of His Majesty's Government on this subject. I beg leave to add, that it will be the source of much gratification to me should my humble endeavours on this important occasion merit the approbation of his Lordship and your Excellency.

I have, &c.

(Signed) F. BROWNE.

His Excellency the Governor,
&c. &c. &c.

Sir, *Grenada, 12th September* 1826.

I HAVE the honour to acquaint your Excellency, that in obedience to your command, I attended in my place in the House of Assembly yesterday, for the purpose of laying before the House, the amendments and alterations which His Majesty's Government are desirous to have made in the existing Slave Laws of

this Colony, and I moved for the leave of the House, to bring in the eight following Bills, for giving effect to the intentions and wishes of His Majesty's Government.

First.—A Bill for appointing a Protector of Slaves.

Second.—A Bill for the admission of Slave evidence in civil and criminal cases.

Third.—A Bill for regulating the Manumission of Slaves.

Fourth.—A Bill for regulating the Celebration of Marriages between Slaves, and for declaring such Marriages valid under certain restrictions.

Fifth.—A Bill to prevent the holding of Markets on Sunday, and to prevent Slaves being compelled to labour on that day.

Sixth.—A Bill for enabling Slaves to acquire Property, and for establishing Savings Banks.

Seventh.—A Bill for the further preventing the separation of Slaves being Members of the same Family, by virtue of Judicial Process.

Eighth.—A Bill for preventing abuses in the Punishment of Slaves, by Authority of Law, and by the owners thereof.

The question for granting leave was put upon each proposed Bill, the House divided, and a majority appeared on each division against the motion.

I regret that my humble efforts to bring the proposed alterations in the Slave Laws under the consideration of the House of Assembly have been unavailing; and

I have, &c.

(Signed) H. E. SHARPE.

To his Excellency Major-General Sir James Campbell, K. C. B.
Governor and Commander-in-Chief of Grenada, &c. &c.

The Speaker and Members of the Assembly,

To his Excellency the Governor and Commander-in-Chief.

THIS House begs leave to acknowledge your Excellency's communication of the 11th instant, and to inform your Excellency that it has appointed a Committee to forthwith prepare and bring in a Bill to alter and amend the Act now in force, for "consolidating all the laws relating to the Slave population," and for embracing the measures recommended in the despatches of Lord Bathurst of the 20th October last, in so far as the same may be compatible with the well being of the Slaves themselves, and due regard to the rights of the owners.

(Signed) JOHN HAYES, Speaker.

House of Assembly, 13th September 1826.

(Signed) JOHN CHARLES KER, Clerk of Assembly.

The Legislature having been called together by Proclamation, the House met upon

Monday the 11th of September 1826.

Present,

The Hon. John Hoyes, Speaker; John M'Innes, George M'Lean, Archibald Armstrong, H. E. Sharpe, William Stephenson, William Henry Whiteman, Matthew Davies, Robert Robertson, Matthew Welsh, William Boyd, George Macewan, Victor La Barrie, William Swap, F. Y. Checkley, Richard Steele, James Bain, Daniel Gibbs, John M'Lean, Lewis Hoyes.

Absent.

Messrs. Grant, M'Nure, Kennedy, M'Dougal, M'Millan, and Kirkland.

The Minutes of last meeting were read and found correct.

The following Message was received from the Governor:

To the Honourable the Speaker and Members of the House of Assembly.

The Governor has deemed it necessary to convene a meeting of the Legislature at an earlier period than that it stood adjourned.

The Governor begs leave to call the attention of the Honourable House to his communication of the 17th May and 5th July last, on the subject of the amendment of the Laws suggested by His Majesty's Government, for the improvement of the condition of the Slave population, and now earnestly recommends to the early and dispassionate consideration of the Honourable House, the measures which will be submitted to them, for giving effect to that important object.

(Signed) JAMES CAMPBELL, Governor.

Government House, 11*th September* 1826.

Upon motion of Mr. Macewan, the despatches from Earl Bathurst of the 20th October and 19th March last, were read; and after that the House resolved itself into a Committee of the whole upon the said despatches, and Governor's message of 16th January last, Mr. Gibbs in the Chair, who, upon the House resuming, reported, That it is the opinion of the Committee, that a Joint Committee of both Houses should be appointed to prepare and bring in a Bill to amend an Act, intituled, "An Act, for consolidating all the Laws now in force relating to the Slave population."

Upon motion of Mr. Gibbs, the Report was confirmed, and the Speaker was pleased to appoint Messrs. G. M'Lean, M'Innes, Macewan, Swap, and Whiteman, of Committee for said purpose.

Upon Motion of Mr. Macewan,

Resolved,

That the communication of Lord Bathurst of the 20th of October last be referred to the Committee appointed to prepare and bring in a Bill to amend an Act, intituled, "An Act, to consolidate all the Laws now in force, relating to the Slave Population."

Mr. Sharpe moved for leave to bring in a Bill for appointing a Protector of Slaves, which was opposed, and the House divided as follows:

Ayes.	Nayes.		
Mr. Sharpe	Mr. Whiteman	Mr. Stephenson	Mr. M'Innes
Mr. Steele	Mr. Armstrong	Mr. G. M'Lean	Mr. Welsh
Mr. L. Hoyes	Mr. Boyd	Mr. J. M'Lean	Mr. Davies
Mr. La Barrie	Mr. Macewan	Mr. Gibbs	Mr. Bain
	Mr. Robertson	Mr. Checkley	Mr. Swap
4	15		

So the Motion was lost and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for the admission of Slave Evidence in Civil and Criminal cases; which was opposed, and the House divided as follows:

Ayes.	Nayes.	
Mr. Sharpe	Mr. Macewan	Mr. Boyd
Mr. L. Hoyes	Mr. G. M'Lean	Mr. Robertson
Mr. Whiteman	Mr. Davies	Mr. Armstrong
Mr. La Barrie	Mr. Bain	Mr. Gibbs
Mr. Stephenson	Mr. Swap	Mr. J. M'Lean
Mr. Steele	Mr. M'Innes	Mr. Checkley
	Mr. Welsh	
6	13	

So the the Motion was lost, and leave refused accordingly.

Mr. Sharpe moved for leave to bring in a Bill to regulate the Manumission of Slaves; which was opposed, and the House divided as follows:—

Ayes.	Nayes.	
Mr. Sharpe	Mr. Whiteman	Mr. Boyd
Mr. Stephenson	Mr. M'Innes	Mr. Checkley
Mr. L. Hoyes	Mr. Welsh	Mr. Macewan
Mr. Robertson	Mr. Bain	Mr. Davies
Mr. Gibbs	Mr. Armstrong	Mr. J. M'Lean
Mr. Steele	Mr. G. M'Lean	Mr. Swap
Mr. La Barrie		
7	12	

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill to regulate the Marriage of Slaves, and to render such Marriages valid under certain considerations; which was opposed, and the House divided as follows:—

Ayes.		Nayes.	
Mr. Sharpe	Mr. J. M'Lean	Mr. Whiteman	Mr. Bain
Mr. Stephenson	Mr. Steele	Mr. M'Innes	Mr. Macewan
Mr. Checkley	Mr. Robertson	Mr. Davies	Mr. Welsh
Mr. L. Hoyes	Mr. La Barrie	Mr. Swap	Mr. Armstrong
Mr. Gibbs		Mr. G. M'Lean	Mr. Boyd
9		10	

So the Motion was lost, and leave refused accordingly.

Mr. Sharpe moved for leave to bring in a Bill to establish the holding of Markets on this Island on Sundays, and to prevent Slaves being compelled to work on that day; which was opposed, and the House divided as follows:—

Ayes.		Nayes.	
Mr. Sharpe	Mr. Steele	Mr. Swap	Mr. G. M'Lean
Mr. Stephenson	Mr. Robertson	Mr. Davies	Mr. Bain
Mr. Checkley	Mr. La Barrie	Mr. Boyd	Mr. M'Innes
Mr. L. Hoyes		Mr. Whiteman	Mr. Armstrong
Mr. Gibbs		Mr. J. M'Lean	Mr. Welsh
		Mr. Macewan	
8		11	

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for authorizing the holding of property by Slaves, and for establishing Savings Banks; which was opposed, and the House divided as follows:—

Ayes.		Nayes.	
Mr. Sharpe	Mr. Steele	Mr. Swap	Mr. Welsh
Mr. Stephenson	Mr. Robertson	Mr. Whiteman	Mr. Checkley
Mr. J. M'Lean	Mr. La Barrie	Mr. G. M'Lean	Mr. Armstrong
Mr. L. Hoyes	Mr. Gibbs	Mr. Bain	Mr. M'Innes
		Mr. Macewan	Mr. Boyd
		Mr. Davies	
8		11	

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill for further preventing the separation of Slaves by sale, being members of the same family, under judicial process; which was opposed, and the House divided as follows:—

Ayes.	Nayes.	
Mr. Sharpe	Mr. Swap	Mr. Boyd
Mr. Stephenson	Mr. Whiteman	Mr. Bain
Mr. Robertson	Mr. Welsh	Mr. Armstrong
Mr. L. Hoyes	Mr. J. M'Lean	Mr. G. M'Lean
Mr. Steele	Mr. Macewan	Mr. Davies
Mr. La Barrie	Mr. M'Innes	Mr. Checkley
Mr. Gibbs		
7	12	

So the Motion was lost, and leave refused.

Mr. Sharpe moved for leave to bring in a Bill to prevent abuses in the punishment of Slaves, by the authority of the Law or by the Owners thereof; which was opposed, and the House divided as follows:—

Ayes.	Nayes.	
Mr. Sharpe	Mr. Swap	Mr. Boyd
Mr. Stephenson	Mr. Whiteman	Mr. Bain
Mr. Gibbs	Mr. Welsh	Mr. Armstrong
Mr. L. Hoyes	Mr. J. M'Lean	Mr. G. M'Lean
Mr. Steele	Mr. Macewan	Mr. Davies
Mr. La Barrie	Mr. M'Innes	Mr. Checkley
Mr. Robertson		
7	12	

So the Motion was lost, and leave refused.

Tuesday, 12th September 1826.

Present,

The Honourable John Hoyes, Speaker; William Stephenson, Evan Kennedy, Matthew Davies, Daniel Gibbs, Francis Y. Checkley, John M'Lean, Richard Steele, William Swap, George Macewan, John M'Innes, Victor La Barrie, James Bain, William Henry Whiteman, Henry Edward Sharpe, George M'Lean, Lewis Hoyes, William Boyd.

Absent,

Messrs. Grant, M'Mure, M'Dougal, Robertson, Kirkland, Welsh, Armstrong, and M'Millan.

The following Message was received from Council:—

The President and Members of His Majesty's Council, to the Honourable the Speaker and Members of the Assembly.

This Board informs your Honourable House, that, having some time since appointed a Committee of the Board for the purpose of bringing in a Bill to amend the Act for consolidating all the laws now in force relating to the Slave population, and the Committee having made considerable progress in a Bill for that purpose, deems it inexpedient to concur in the resolution of your Honourable House of yesterday, on the appointment of a joint Committee for such purpose.

By Command of the Board,
(Signed) JOHN DOUGLAS, Acting Clerk of Council.

Council Chamber, 12th September 1826.

Wednesday, 13th September 1826.

Upon motion of Mr. Kennedy, Resolved, That a Committee be appointed forthwith to prepare and bring in a Bill to amend an Act, intituled, "An Act for consolidating all the Laws now in force relating to the Slave Po- "pulation," and embracing the measures recommended in the despatches of Lord Bathurst of 20th October last, so far as the same may be compatible with the well being of the Slaves themselves, and a due regard with the rights of the owners.

Messrs. M'Innes, Swap, Macewan, Checkley, and Whiteman, were appointed of such Committee.

Upon motion of Mr. Kennedy, the Committee upon the Governor's Message then resumed, and after some time spent therein, the Speaker took the Chair, when Mr. Davies, Chairman of the Committee, reported, That it is the opinion of the Committee that a Message be sent to the Governor, acknowledging receipt of his communication of the 11th instant, and informing him that this House had appointed a Committee to prepare and bring in a Bill forthwith to amend an Act, intituled, "An Act for consolidating all the Laws "now in force relating to the Slave Population."

The House then adjourned to 12 o'clock to-morrow.

No. 6.

(No. 19.)

SIR, *Downing Street, 7th December* 1826.

I HAVE received your despatch of the date of the 3d of October ultimo. I entirely approve the conduct of the Attorney and Solicitor General, as to the manner in which they fulfilled the instructions of His Majesty's Government, as transmitted by me in my letter of the 21st of May last.

I have to express my very sincere regret at the successive rejection of the separate Bills, which were brought forward for the consideration of the Assembly, and I have only to express my anxious hope that the additions, as well as the amendments, which you give me some reason to expect a re-consideration of their late Melioration Act may produce, will be of a nature so substantial and effective as to leave less reason to regret the rejection of those separate Bills which have been brought under their consideration.

I have, &c.

(Signed) BATHURST.

Major-General Sir James Campbell, K.C.B.
&c. &c. &c.

No. 7.

(No. 53.)

MY LORD, *Government House, Grenada, 22d December* 1826.

Having in my letter of the 3d October last, No. 43, informed your Lordship that the Bills (as recommended by His Majesty's Government) for the amelioration of the condition of the Slave population of this colony, after their rejection by the House of Assembly had been received by the Council, who had determined to take them into consideration; and now conceiving that it may be satisfactory to your Lordship to know what progress has been made by that branch of the Legislature on this important subject, as well as the measures which have been adopted by the other House subsequently to my last report, I do myself the honour to transmit herewith a copy of a communication which I received yesterday from the Board of Council; by which your Lordship will be fully informed of the proceedings of both branches of the Legislature up to this period.

I have, &c.

(Signed) JAMES CAMPBELL.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

The President and Members of His Majesty's Council, to his Excellency the Governor.

May it please your Excellency,

THE advanced season of the year rendering it extremelyinconvenient for the Members of the Legislature to continue their sittings, we beg leave respectfully to represent to your Excellency, that although we deeply regret having been unable to bring our labours to a satisfactory termination, we have been seriously engaged in the consideration of the important measures suggested to us by Earl Bathurst, with reference to the further revision and improvement of the Slave code. The draft of Bills laid upon the Table of the Board by your Excellency have been brought in, and read attentively, and are now referred to Committees of the Council. We have also, during the present Session, received from the Assembly a Bill which has passed that House, for the purpose of amending the late consolidation Slave Law:—so many difficulties present themselves, and are so closely interwoven with the leading features of the communications of the Secretary of State, that we feel ourselves utterly unable to come to a final determination thereupon, until they are again, and more fully discussed. The momentous innovations on long established custom, and the encroachment on private property, which at present seem to be in contemplation of His Majesty's Government in relation to the Colonies, Compels us to proceed with infinite caution, having recently felt the effect of precipitate Legislation, in an instance in which the welfare and privileges of the Slaves were mainly in contemplation.

We respectfully state these circumstances, and our feelings on the subject to your Excellency, as accounting for the unfinished state in which we are now about to leave the revision of the Slave Laws on the eve of a prorogation. We appeal to the past conduct of the Legislature of Grenada, and to that character for humanity and proper feeling, for which Lord Bathurst himself gives us credit, as some evidence of our continuing not only inclined, but earnestly anxious to forward, by all means in our power, the real improvement of the condition of our bondsmen, unswayed by the clamours and hostility by which our bests acts and intentions have been perverted, and equally alive to the reputation of the Colony and to the chartered rights of its inhabitants.

(Signed) GEO. GUN MUNRO, President, P. T.

Council Chamber, 21st December 1826.

(Signed) JOHN DOUGLAS, Acting Clerk of Council.

ANTIGUA.

No. 1.

(No. 25.)

SIR, *Downing Street, 19th March 1826.*

WHEN I had the honour of communicating to Sir Benjamin D'Urban the Resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Antigua some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose, for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them adviseable for taking all these several measures into their consideration. Since that time, the expectations which I was induced to entertain, from the appointment of a joint committee by the Legislature, have been unfulfilled, although your despatch of the 14th of November last leads me still to trust, that the labours of that committee, however slow their progress, have not been wholly ineffectual.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords, with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Antigua.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Goverment contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to con-

gratulate you and the Legislature of Antigua on the establishment of a system, both for the improvement of the condition of the Slave population, and for providing for the manumission of their Slaves, or of their families, on a principle of equitable appraisement; which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishment would be facilitated by the Report of the Commissioners of Legal Enquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution, and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed) BATHURST.

To the Officer Administering the Government of Antigua.

No. 2.

(No. 6.)

SIR, *Downing Street, 21st May 1826.*

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Vide Bahamas. In the enclosed papers will be found all the provisions of the Order in Council of the 10th of March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, the office of Protector and Guardian of Slaves; secondly, the admission of the evidence of Slaves in civil and criminal cases; thirdly, the manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks, for the better protection of it; seventhly, the separation of families under judicial process; and eighthly, the punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes, explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Presented to Parliament Session 1826. I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-Governor of Demerara. From the persusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility of framing, in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important which are to have their operation in Antigua.

I am aware also that upon some of the topics comprised in these papers, the wishes of his Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will however be

ready to confirm any laws in which the Legislature of Antigua may effectually embody these principles and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the Colony, in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts, with the projected Bills, may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from the means which you have possessed since your assumption of the Government of making yourself acquainted with the established usages of the Colonial Legislature.

At the conclusion of the Session, you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the Drafts enclosed, stating in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision, what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch, without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Antigua fully carrying into effect the spirit of the various provisions which by His commands, I have now the honour to transmit to you.

I have, &c.

Major-General Sir Patrick Ross, &c. &c. &c. (Signed) BATHURST.

No. 3.

(No. 24)

My Lord, *Government House, Antigua, 3d July* 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 21st of May, (No. 6.) together with the draft of the Bill for the amelioration of the Slave population of this Island.

I have lost no time in communicating your Lordship's despatch, together with all the enclosures to the Attorney and Solicitor General.

I shall not fail to attend implicitly to the instructions I have received from your Lordship in relation to this important subject, and shall avail myself of every opportunity that offers of apprizing you of its progress.

I have the honour to be, my Lord,
Your Lordship's most obedient humble Servant,
(Signed) PATRICK ROSS.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 4.

(No. 40.)

My Lord, *Government House, 8th August* 1826.

I HAVE the honour to acquaint your Lordship, that the Crown Lawyers, having prepared four of the Bills for the amelioration of the Slave population, as stated in their letter to me No. 1. I addressed to the two Houses a message, of which No. 2 is a copy, and instructed the Solicitor General to introduce them to the Assembly at their meeting on the 15th ultimo.

To my message I received replies, of which copies No. 3 and 4 are annexed, and the Houses having resolved, that it would be expedient to have the four remaining Bills before them, previous to any consideration of the question, they adjourned for a fortnight.

The four remaining bills were accordingly introduced by the Solicitor General on Thursday the 27th ultimo, together with a second commmunication from me, No. 5, and a letter from the Attorney and Solicitor General relating to them, No. 6.

At this meeting it was resolved, that the whole of the Bills should be printed, previous to their being at all taken under consideration, and as this proceeding would require at least three weeks, the Assembly again adjourned to that day month.

The Solicitor General, however, having acquainted me, that the references to the Bills, (which the Attorney General, had with considerable care and trouble extracted from the Code of Antigua Laws,) had not been read, nor included in the order for printing, and regarding this circumstance as an omission of considerable importance, which the House of Assembly would promptly and willingly rectify, I called a special meeting of the Houses yesterday, and sent to the President and Speaker a message, of which No. 7 is a copy; when the references were read, and it was moved, as a matter of course, by the Solicitor General, that they should be printed.

I now learn, with great surprise, that this motion was negatived by a very considerable majority, and from this and other circumstances, I cannot help expressing to your Lordship, that I entertain the strongest doubts of the deliberations of the Assembly of Antigua on this important subject, terminating in a manner at all answerable to the expectations of His Majesty's Government and of the British Parliament.

I have the honour to be, my Lord,
Your Lordship's most obedient humble Servant,
(Signed) PATRICK ROSS.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

(No. 1.)

Sir, *St. John's*, 11th *July* 1826.

WE have the honour to transmit to your Excellency the drafts of four distinct Bills, embracing the several provisions suggested for the consideration of the Legislature of this Island by Earl Bathurst on the four following points; viz.—

Firstly.—The establishment of an Office of Protector and Guardian of Slaves.

Secondly.—The admission of the Evidence of Slaves in Civil and Criminal cases under certain restrictions.

Thirdly.—The regulating and affording Facilities to the Manumission of Slaves; and

Fourthly.—The Marriage of Slaves.

To each of these Bills, we have, after a diligent examination of our Colonial Code of Laws, annexed extracts of the enactments now existing, relating to the particular subject of it, and it affords us much pleasure to be able to report to your Excellency, that they will be found to contain many provisions, whereby the views of His Majesty's Government have been already anticipated in this Colony, and that they consequently offer no local impediments to the introduction of the proposed measures.

On a comparison of the drafts now forwarded, with the heads of the several Bills sent out by the Earl Bathurst, but little variation between them will be discovered by your Excellency, such trivial alterations only having been made by us, as circumstances appeared to render indispensable.

To the remaining points, referred to by his Lordship in his despatch to your Excellency; viz.

Fifthly.—The observance of the Sabbath, and abolition of the Public Markets on that day.

Sixthly.—The acquisition of Property by Slaves, and the establishment of Savings' Banks for the protection of it.

Seventhly.—The separation of Families sold under judicial process; and,

Lastly.—The Punishment of Slaves, with the records of such punishment when inflicted by the authority of the owner.

Our immediate attention shall be directed, and we hope to be able to furnish your Excellency with the necessary Bills relating to them in the course of a few days.

We have considered it most advisable, in the first instance, that these several matters should be separately submitted for consideration to both Houses, and it will afterwards, as we apprehend, be conceded on all sides, to be an act of propriety, generally to consolidate all the Laws relating to the Slave population, and to the accomplishment of an object so desirable and creditable in its consequences to the Colony. We beg leave to assure your Excellency, that it will give us very sincere pleasure, to afford every professional aid in our power.

We have the honour to be,
With the highest consideration and respect,
Sir,
Your Excellency's most obedient humble servant,
(Signed) RICHARD MUSGRAVE, A. G.
ROBERT HORSFORD, S. G.

To His Excellency the Governor,
&c. &c. &c.

(No. 2.)

HONOURABLE GENTLEMEN, *Government House, 12th July* 1826.

THE Bill for the amelioration of the Slave population having been received by me from Earl Bathurst, His Majesty's Principal Secretary of State, and the Crown Lawyers of this Colony having, pursuant to instructions, proceeded in preparing the drafts of as many distinct Bills as have been judged best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the said drafts, I have now the honour to transmit to you a list of the same.

The four first of these embracing the suggestion of His Majesty's Govern- No. 1.
ment on the following points,

1stly, The establishment of an officer to be called Protector andGuardian of Slaves;

2dly, The admission of the evidence of Slaves;

3dly, The regulation of the manumission of Slaves;

4thly, The intermarriage of Slaves;

have accordingly, under my directions, been carefully prepared by the officers of the Crown, from whose information, as contained in a letter addressed to me on the subject, of which I transmit a copy, it affords me much satisfaction to find, that so far form any of the measures prepared to No. 2.
be introduced by the Bills, now about to be submitted by the Solicitor-General, as a Member of the Assembly, being in any manner opposed to existing local enactments, that they have already, in several instances, highly to the credit of the Colony, been anticipated by the Legislature, and are very fully

incorporated in your valuable Code of Laws; a circumstance which leads me confidently to rely on their meeting, in both Houses, with the favourable attention due to their importance.

In the performance of this duty, due regard has been paid not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to all such aforesaid Laws in which the same, or similar provisions may be found.

It must be apparent to every unprejudiced mind, that the greatest consideration has been observed by his Majesty's Government throughout this long protracted affair, and that on this, as on all previous occasions, the utmost regard has been paid to the constitutional privileges of the Council and House of Assembly of this Island.

While, however, His Majesty's Government have been invariably actuated to this spirit of delicacy and moderation, I have it in command to apprize the Legislature, distinctly, that whatever indisposition Ministers may have manifested to adopt hasty or violent proceedings, there does not exist, on their part, the smallest desire to relax in their endeavours to carry into effect the spirit of the Resolutions of the House of Commons of 1823.

They trust, therefore, that the conduct of the Legislative Assembly and Board of Council of Antigua will be such as to enable them, in the ensuing Session of Parliament, to discourage and set at rest those perpetual discussions which have of late so much occupied the public mind, by shewing that some effectual progress has been made with respect to the measures which have been so repeatedly recommended, and which have now been under your consideration for nearly three years.

The favourable disposition manifested by the House of Commons, in a late debate, has proceeded from this expectation, and I cannot too strongly impress upon the Legislature that a disappointment will give to those who are pressing for a direct interposition by Parliament, an advantage which it would be very difficult, even if there were a disposition, to resist.

Although I am aware that there are in this Island some individuals with whom a determination prevails to interpose every obstacle in their power against all interference on the part of the Mother Country to improve the state of the Negro-population, I am at the same time quite convinced that such are few in number, and that the Members of the Legislature, and the landed Proprietors in general, possess widely different sentiments, and are actuated by the strongest desire to meet the wishes and expectations of their Sovereign, of the High Court of Parliament, and of the Country at large.

I cannot better conclude this appeal for an unprejudiced and favorable consideration of the question, than in the words of the Earl Bathurst in his last official despatch.

"I have thus once more directed your attention to this most important sub-
" ject, and I cannot close the present despatch without again reminding you
" that His Majesty's Government will feel the most lively interest in the result
" of the deliberations of the Legislative Council and Assembly.

" I am not disposed to anticipate the continued rejection of the enactments
" so earnestly and anxiously looked for by both Houses of Parliament, and by
" every class of society in this kingdom, on the contrary, I must still hope
" that it will be shortly in my power to lay before His Majesty Acts of the
" Assembly of Antigua, fully carrying into effect the spirit of the various pro-
" visions, which by His Majesty's commands I have now the honour to transmit
" to you.."

Having thus, Honourable Gentlemen, performed my duty in notifying to you the expectations which have been formed on an affair of so great moment, it only remains for me to express my sincere hope that I shall be speedily enabled to transmit to England a favourable Report of the result of your deliberations, which I cannot doubt will be carried on, from first to last, with that absence of all party spirit, and that degree of sound judgment, which the importance of the subject renders so essentially requisite.

I have, &c. &c.

(Signed) PATRICK ROSS.

To the Honorable the President of the Council,
and the Speaker of the Assembly.

(No. 3.)

SIR, *Council Chamber, 13th July* 1826.

I HAVE the honour of being the channel of conveying to your Excellency the acknowledgement and thanks of the Board of Council for your Excellency's communication of this day, addressed to the two Houses of Legislature, and to assure your Excellency that the immediate attention of the Board shall be directed to the unprejudiced and dispassionate consideration of a subject so intimately blended with the civil and political interests of the Colony.

I have, &c. &c.

(Signed) SAM. WARNER, President, *pro tem.*

To His Excellency Sir Patrick Ross, Governor, &c. &c. &c.

(No. 4.)

SIR, *Saint John's, 13th July* 1826.

I HAVE been directed by the House of Assembly to return their thanks to your Excellency for your communication of yesterday's date, relative to the proposed introduction of certain Bills, designed for a further amelioration of the condition of the Slaves of this Island, and to state to your Excellency that the House will not fail to take the several subjects alluded to into their most serious consideration.

I have, &c. &c.

(Signed) NICHOLAS NUGENT, Speaker.

To His Excellency Sir Patrick Ross, K. C. M. G. &c. &c. &c.

No. 5.

THE Governor has the honour to acquaint the President of the Council, and Speaker of the Assembly, that the four remaining Bills referred to in His Excellency's message of the 12th inst. are now in readiness to be introduced by the Solicitor General in his place in the Assembly. In making to their Honours this communication, his Excellency has judged it advisable to transmit a further extract from the Earl Bathurst's last despatch, with the view of impressing, if possible, still more strongly upon the minds of the Legislature, the moderation and delicacy by which His Majesty's Government are so anxious to be guided throughout the whole of this question, and His Excellency cannot for a moment doubt, that the expressions contained in the said extract will be appreciated to the extent to which they are so justly entitled.

"I am perfectly aware of the difficulty, if not impossibility, of framing in "this country, and without more local knowledge than is attainable here, "enactments upon a subject so extensive and important, which are to have "their operation in Antigua. I am aware, also, that upon some of the topics "comprized in these papers, the wishes of His Majesty's Government have al-"ready, to a certain extent, been anticipated by the existing laws of the Island, "and that without a very intimate and practical acquaintance with those laws, "it may, perhaps, not be possible safely to frame new legislative provisions on "the same or similar subjects.

"In transmitting to you the enclosed papers, I do not therefore propose them "as drafts, which could be passed without a careful revision, nor probably "without some material alterations. My object in this communication has "rather been to explain anew, and in the fullest manner, the measures which "His Majesty's Government desire to introduce, and I have for this purpose "adopted the form and language of legislative enactments, because in no other "way could those views be explained with equal accuracy and precision. His "Majesty will, however, be ready to confirm any laws in which the Legislature "of Antigua may effectually embody those principles, and give effect to those

" intentions, however such laws may depart from the enclosed drafts in arrange-
" ment, language, or minor details."

(Signed) PATRICK ROSS.

Government House, Antigua, July 25th 1826.

The Honourable the President of the Council,
and Speaker of the Assembly.

(No. 6.)

SIR, *St. John's, 24th July* 1826.

WE have the honour to transmit to your Excellency the drafts of four Bills, embracing all the provisions suggested by His Majesty's Government for the consideration of the Legislature on the four remaining subjects connected with the proposed amelioration of the condition of the Slave population in this Island, viz.

The Observance of the Sabbath, and Abolition of Public Markets on that day.

The Acquisition of Property by Slaves, and the establishment of Savings' Banks for the protection of it.

The Separation of Families by sale under judicial process, and,

The Punishment of Slaves, with the necessary record to be kept of such punishment, when inflicted by the owner.

To each of these Bills, as to those already submitted to your Excellency, we have annexed extracts from such existing colonial laws as are applicable to the particular subject; and it affords us much gratification to be able finally to report to your Excellency, that the Slave Code of Antigua (to which, highly to the credit of the Colony, the anxious attention of successive legislatures has been always most humanely and zealously devoted) will be found, on examination, to require in truth but little alteration or addition to accord, to their fullest extent, with the present benevolent views of His Majesty's Government.

We have the honour to be,
With the highest consideration and respect,
Sir,
Your Excellency's most obedient humble Servants,
(Signed) RICHARD MUSGRAVE, A. G.
ROBERT HORSFORD, S. G.

(No. 7.)

HONOURABLE SIRS, *Government House, St. John's, 5 August* 1826.

THE Solicitor General has communicated to me, officially, the progress made at the last meeting of the two Houses in the Bills prepared for their consideration by order of His Majesty; and that for the more perfect information of the Members, the Bill had been read a first time, and ordered to be printed. I find, however, from the same information, that the printing of the references, as to the existing laws, which bear upon the subject of the Bills had not been ordered; I have in consequence judged it necessary, but at the same time with much reluctance, to give the Houses the trouble of again meeting, with the view of correcting, should they think fit, this important omission, and of directing that the aforesaid references, together with the letters addressed to me on the subject by the Crown Lawyers, be printed with the Bills, for the general information of the respective Houses.

I have, &c.
(Signed) PATRICK ROSS.

The Hon. the President of the Council,
and Speaker of the Assembly.

No. 5.

(No. 41.)

My Lord, *Government House, Antigua, 9th August* 1826.

I HAVE the honour to forward printed copies of four of the Bills for the amelioration of the Slave population, in the shape in which they have been prepared by the Crown Lawyers, and with them copies of the references which accompanied these Bills on their introduction to the House of Assembly, and of which, as stated in my letter of yesterday's date, the House would not authorize the printing.

The four remaining Bills, with the extracts referring to them, will be forwarded by the first ship that sails after they are received from the printer's hands.

I have the honour to be, my Lord,
Your Lordship's most obedient humble Servant,
(Signed) PATRICK ROSS.

The Right Hon the Earl Bathurst, K. G.
&c. &c. &c.

ANTIGUA.

A Bill for establishing within the Island of Antigua an officer, to be called the Protector and Guardian of Slaves.

YOUR Majesty having deemed it expedient that there shall be hereafter in all and every of your Majesty's islands, settlements, and colonies in the West Indies, an Officer to be called the Protector and Guardian of Slaves; and having been graciously pleased, through the Right Hon. the Earl Bathurst, your Majesty's Principal Secretary of State for the Colonial Department (among other provisions for the more effectual amelioration of the condition of the Slave population), to recommend to both Houses of Legislature, the immediate establishment of such an officer within this Island; We, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief of your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, in order to give full and complete effect to your Majesty's benevolent intentions in this behalf, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, by the authority aforesaid, that there shall be hereafter, within the Island of Antigua, an officer to be called "the Protector and Guardian of Slaves," who shall be appointed to such his office by His Majesty, to hold the same during His Majesty's pleasure, and which appointment shall be made by a warrant to be issued under His Majesty's signet and sign manual.

And be it enacted and ordained by the authority aforesaid, that in the event of the death of the said Protector and Guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension from office, or of his temporary absence from the Island, it shall and may be lawful for the Governor to appoint a proper person to act as the Deputy Protector or Guardian of Slaves, until His Majesty's pleasure shall be known.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall at all times perform his duty in person, and not by deputy, excepting only in those cases in which the Governor is hereby expressly authorized to appoint a deputy for that purpose.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall, before entering on the execution of his office, take and subscribe, before the Governor, an oath, in the following words, viz.:

> "I, A. B., do swear, that I will, to the best of my knowledge and
> "ability, faithfully execute and perform the duties of the Protector
> "and Guardian of Slaves in the Island of Antigua, without fear,
> "favour, or partiality. So help me God."

And that the same oath shall also be taken and subscribed by any Deputy Protector and Guardian, to be appointed in manner hereinbefore mentioned and declared.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall not be the owner of any plantation within the Island of Antigua or its dependencies, or of any Slave employed upon any plantation or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon, any such plantation or slave; and shall not be competent to act as the manager, overseer, agent, or attorney for or upon any plantation in the Island; nor as the guardian, trustee, or executor of any person having any such plantation, or any Slaves. And in case any such Protector and Guardian of Slaves shall aequire or hold, in his own right, or in that of his wife, or in trust for any other person, any plantation in the Island, or any Slaves, employed in any plantation or in any kind of agriculture; or any interest in, or any mortgage or security upon, any such plantation or Slaves, or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned, he shall thenceforth *de facto* cease to be such Protector and Guardian of Slaves, and shall forfeit his said office. Provided nevertheless, that all the acts of such Protector and Guardian of Slaves, done after such forfeiture of office, and before the office is declared void by public notice in the newspapers of the Island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

And be it enacted and ordained, by the authority aforesaid, that the Protector and Guardian of Slaves shall constantly reside within this Island of Antigua, unless he shall obtain a special leave of absence from His Majesty, or from the Governor, which leave of absence shall never exceed at any one time, and shall not be granted by the Governor, unless it shall be made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the Protector and Guardian of Slaves.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall keep a public office in the town of Saint John, in the said Island of Antigua, and shall attend there on such days, and during such hours of the day, as the Governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his said office.

And be it enacted and ordained by the authority aforesaid, that it shall and may be lawful for the Governor to appoint some fit and proper person, in every parish of the Island to be the Assistant Protector and Guardian of Slaves in that parish; and such Assistant Protectors and Guardians shall, in their respective parishes, be aiding and assisting to the Protector and Guardian of Slaves in the execution of the duties of his said office, and shall carry into execution such lawful instructions as they may receive from him, in reference to such duties. Provided nevertheless, that such Assistant Protectors and Guardians of Slaves shall always be persons named in the Commission of the Peace for the said Island, and that such Assistant Protectors and Guardians of Slaves shall hold such their offices during His Majesty's pleasure.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, and his Deputy and Assistants, shall respectively receive their salaries, in lieu of all fees and other emoluments; and any such Protector and Guardian of Slaves, his Deputy, or Assistants, receiving any fee or emolument, besides his salary, in respect of any act done by him in the execution of his office, shall incur a fine equal to the sum of the amount of what he may so receive, and shall become disqualified from holding such his office.

And be it enacted and ordained by the authority aforesaid, that in any prosecution which may be hereafter commenced in any Court of Justice in the Island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the Protector and Guardian shall attend, and act as the public prosecutor. Provided, that this rule shall not extend to prevent the Attorney General from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any Counsel or Attorney to conduct any such prosecution.

And be it enacted and ordained by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday

next after the twenty-fourth day of June, in each year, the Protector and Guardian of Slaves shall deliver to the Governor a written Report of the manner in which the duties of his office have been performed during the preceding half year; which Report shall contain a statement of all prosecutions in which he or his assistants may have acted as the Protector or Protectors of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as shall or may be required by any other Acts of Assembly to be stated therein; and the Governor of the colony shall administer to the Protector of Slaves an oath, that the Report contains a true statement of the several matters therein referred to; and that as soon as the Protector and Guardian of Slaves shall have taken such Oath, he shall then, and not before, be entitled to receive from the Governor a warrant for the amount of his salary for the half year next preceding the date of such Report; which Report shall then be transmitted by the Governor to one of His Majesty's Principal Secretaries of State.

And be it enacted and ordained by the authority aforesaid, That if the Protector and Guardian of Slaves, or any Deputy, or Assistant Protector and Guardian, or any other person, shall fraudulently make any erasure or interlineation in any Book, Record, or Return, which by any Act of Assembly he or they may be required to keep, or shall wilfully falsify any such Book, Record, or Return, or make any false entry therein; or burn, cancel, obliterate, or destroy the same, or any part thereof, he shall incur a Fine of not less than pounds, nor more than pounds or Imprisonment for any time not exceeding nor less than , or both Fine and Imprisonment, at the discretion of the Court; and all such Fines shall be recovered in the Court of King's Bench and Grand Sessions of the Island, and shall be divided equally between His Majesty and the informer.

And be it enacted and ordained by the authority aforesaid, that in the absence of the Governor from the island, any person lawfully administering the office of Governor, shall be competent to do all such acts as the Governor is hereby empowered to do and perform.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, the Deputy Protector and Guardian of Slaves, and the Assistant Protectors and Guardians of Slaves, and each and every of them, shall respectively execute and perform all and every such duties as may be imposed upon or required of them respectively by any Act or Acts of Assembly passed, or to be passed, during the present or in any future Session.

A LIST of existing Local Enactments whereby the duty of affording protection to the Slave population has been already imposed by law on certain public officers in this island Antigua.

> Act of the Leeward Islands, No. 36, intituled, "An Act more effectually to provide for the support, and to extend certain Regulations for the Protection of Slaves, to promote and encourage their Increase and generally to meliorate their condition."

By the eleventh clause of the above Act, it is provided, "That when the "owners of infirm or diseased Slaves (incapable of supporting themselves) cannot be discovered, the Vestry of any Parish in the Island, the President of "the Council, or Speaker of the Assembly, or any Justice of Peace where there "is no Vestry, shall be authorized and are thereby required to support them in "a suitable manner at the public expense."

By the fourteenth clause it is provided, "That on complaint made to any "Justice of Peace (though without oath) by the owner or director of any Slave "of any maltreatment of such Slave, by any white or free person (not being "owner or director) by beating or otherwise, or by taking from his or her possession any goods or articles for which a ticket may be held by such Slave "from the owner, or any vegetables, provisions, stock, grass, cane tops, or "other article or thing whatsoever, which by law, usage, or custom such Slave "is or may be authorized to sell or possess, or shall after purchasing any such "articles refuse to pay for them, or in any manner injure or destroy any such "articles, such Justice may, by his order in writing, command the attendance

" of any such white or free person before him, and any other Justice who are " authorized to take the examination of the party complained against, on his " or her own oath, and such party shall be compelled to answer all questions, " proposed by the said Justices. And if such party shall not fully answer, or " answering, shall not fully exculpate himself or herself, or shall be otherwise " convicted, the Justices are empowered to impose a fine not exceeding ten " pounds current gold and silver money, to be recovered by warrant directed to " a constable to be levied on the goods and chattels of the offender, and in de- " fault of such goods and chattels, to commit such offender to the common " gaol for any time not exceeding one month, and the Justices are empowered " to dispose of the fine to the ill treated Slave, as a compensation for the injury " he or she may have sustained."

By the fifteenth clause it is provided, " That in order to remove any doubt " which may arise as to the legality or propriety of punishing the owner or di- " rector of any Slave for any cruel conduct towards such Slave, it is hereby ex- " pressly declared and enacted, that if any person shall cruelly *whip, beat, mal-* " *treat, or imprison or keep in confinement without sufficient support*, any " Slave under his or her direction or care, such person shall be indicted for " the same in the Superior Court of Criminal Jurisdiction for the Island wherein " such offence shall be committed, and upon being legally convicted thereof, " shall suffer such punishment by fine or imprisonment, or both, as the Judges " or Justices of said Court shall think proper to inflict; and the said Judges " and Justices are hereby authorized, if they shall deem it necessary for the " further protection of the said Slave, to order the Marshal or his Deputy to " sell and dispose of any such Slave to any person (except the owner) at public " outcry, and at the best price that can be procured for such Slave, and the " monies arising from such sale, after payment of the fees shall be paid to the " person having the first lien thereon, and in case of no such prior lien, then to " the owner of the said Slave."

By the sixteenth clause it is provided, " That if any person shall beat or " maltreat any Slave not belonging to himself or herself, such offender shall not " only be indicted and punished for the same in like manner, but any punish- " ment inflicted by the Court of Criminal Jurisdiction for such offence, shall " not be considered as a bar to any action or suit at Law which may be " commenced by the owner of such Slave, or be considered in mitigation of " any damages which may otherwise be given or recovered for such trespass or " injury."

By the seventeenth clause it is provided, " That in case any Justice of the " Peace shall receive any complaint or intelligence which he in his own discre- " tion shall think probable, that any Slave hath been mutilated, cruelly pu- " nished, or otherwise maltreated, or confined without sufficient support, it " shall be lawful for such Justice of the Peace to call to his assistance some " other Justice, and then such two Justices shall be and are hereby authorized " to order any constable to bring such Slave before them; or if the case shall " require it, they are hereby authorized to go to such place where such Slave " shall be, and direct such Slave to be produced and shewn to them; that such " inquiry and other proceedings may be made and had as shall be necessary for " the further prosecution of the offence, and that if such Justices shall think it " proper or necessary, they shall be, and they are hereby authorized to send " such Slave to some public place of security, or to the workhouse, if any is " provided in the Island where such Slave shall live, to be there kept and de- " tained, and supported at the expense of the owner or director of such Slave, " until further inquiry shall be made into the fact according to Law."

By the eighteenth clause it is provided, " That if any owner or director of " any Slave within the Leeward Islands, shall fix round the neck of any Slave, " any iron collar, with projecting bars, hooks, or any collar, with a chain or " weight thereto, or shall put or fix upon any Slave any chain, or any piece or " ring of iron, whether round the leg or any other part of the body of such " Slave, other than such as are absolutely necessary for securing the person of " such Slave, it shall and may be lawful for any Justice of the Peace, on " information or view of the same, to order such collar, chain, weight, hooks, " bars, and rings, other than such as are necessary as aforesaid, to be taken off " such Slave at the expense of such owner; and it shall also be lawful for such

" Justice to issue his warrant to bring such owner before him, and if he is of " opinion that such owner or director has acted wantonly and cruelly in the " putting on or fixing, as aforesaid, any such collar, chain, weight, hooks, bars, " or rings, or that he was not influenced solely by the motive of preventing the " future desertion of such Slave, such Justice shall and may bind over such " owner or director to appear at the next Court of King's Bench to be held for " the Island, where such offence shall be committed, then and there to answer " for the same, and upon conviction thereof, to be fined at the discretion of " such Court, in any sum not exceeding one hundred pounds current money."

By an Act of this Island (No. 636.) intituled, " An Act for the further pro- " tection of the Slaves within the Island of Antigua from cruel or excessive " punishment, and for altering and amending certain provisions contained in " the Act of the Leeward Islands (No. 36.), the Magistrates and Vestries in each " parish are constituted and declared to be a Council of protection, for the purpose " of carrying into effect the provisions of the Act (No. 36.), and generally for " protecting the Slaves in their several parishes from cruelty and maltreatment; " and power and authority is given to any Justice of the Peace (on probable " information received by him or any member of the Vestry, of improper " treatment of any Slave) to bring up such Slave by warrant, and to summon " all necessary parties to appear before him; and in case it shall appear to " such Justice, that any provisions of any law for the protection of Slaves " shall have been violated, he is further authorized to commit the offender or " offenders to gaol, unless he or they shall give proper security for appearance at " the Court of King's Bench and Grand Sessions, there to be dealt with " according to Law, or otherwise to proceed against such offender, as directed " by the Act (No. 36.) above referred to."

ANTIGUA.

A Bill to admit and regulate the Evidence of Slaves in Civil and Criminal Cases in this Island of Antigua.

WHEREAS among other provisions for the amelioration of the condition of the Slave population of this Island, suggested by your Majesty for the consideration of the Council and Assembly of this your Majesty's Island of Antigua, the admission of the evidence of Slaves in Civil and Criminal cases, under certain restrictions, hath been deemed highly essential; and whereas from the generally improved moral character of the Slaves throughout this Colony, it hath been, on mature deliberation, determined that such a measure cannot now be justly declared to be attended with those dangerous and alarming results which formerly entirely precluded its adoption; in order, therefore, to evince that ready disposition which has ever existed on the part of the Legislature, to promote your Majesty's benevolent intentions on behalf of that particular class of your subjects, and to afford them the most ample protection of the Laws in their persons and properties; We, your Majesty's dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained, by the authority aforesaid, That every Clergyman of the Established Church of England, and every Minister of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic Religion, within the said Island, and carrying on no other business or occupation, with a view to profit therein, except that of a schoolmaster, shall be authorized to transmit or deliver, under his hand, to the Protector and Guardian, or Assistant Protector and Guardian of Slaves of the parish in which he may be resident, certificates, setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of Religion to understand the nature and obligation of an oath; and the Assistant Protectors of Slaves of the several parishes, shall transmit such certificates to the Protector and Guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name

and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

And be it enacted and ordained by the authority aforesaid, that no Priest, Minister, or Public Teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless His Majesty's principal Secretary of State, having the department of the Colonies, or the Governor or acting Governor of the said Island Antigua, shall grant to such Priest, Minister, or Public Teacher, a written licence to grant such certificates, nor unless such licence shall continue in force at the time of signing the certificate, and shall have been registered in the office of the Protector and Guardian of Slaves.

And be it enacted and ordained by the authority aforesaid, that no person or persons shall, from and after the passing and publication of this Act, be rejected as a witness, or be deemed, held, or taken to be incompetent to give evidence in any Court of civil or criminal justice in Antigua, or upon any hearing before any Justice or Justices of the Peace, by reason of, or on account of, his, her, or their being in a state of Slavery; but that the testimony of each and every of such person or persons shall be at all times, hereafter, taken and received before and by each and every such Court and Justice or Justices, on oath and in the same manner, and under and subject to the same regulations, as are by Law now applicable to the taking and receiving of the evidence of persons of free condition; any law, usage, or custom, now, or at any time heretofore existing, to the contrary in any wise notwithstanding. Provided always, That the person producing such Slave as a witness, shall also produce to the Court, or Justice and Justices, a certificate, under the hand of the Protector and Guardian of Slaves, that such witness is registered in the before-mentioned book; and the Protector and Guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not. And provided also nevertheless, That no person or persons, in a state of slavery, shall be admitted to give evidence in any civil suit or action in which his, her, or their owner or owners is or are directly concerned, or in any criminal case wherein any white person or white persons may be charged with, or prosecuted for any offence or offences punishable with death.

And be it enacted and ordained, by the authority aforesaid, that nothing in this Act contained shall extend to take away or diminish any power or authority which any Court of criminal jurisdiction in the said Island now hath to admit in any case, the evidence of any persons in a state of slavery; and that nothing contained in the Act shall extend to render any Slave competent in the Law to give evidence in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

And be it enacted and ordained by the authority aforesaid, that in all cases where the evidence of any Slave or Slaves shall or may be required to be received under and by virtue of this Act, a writ of subpœna shall issue under the Seal of the Court, in the usual manner, on the application of any person or persons requiring the testimony of such Slave or Slaves, directed to the owner of such Slave or Slaves, or in his or her absence, to the person or persons under whose immediate charge such Slave or Slaves may be; requiring him, her, or them, under the penalty of fifty pounds, current gold and silver money of said Island, to bring and produce, or cause to be brought and produced in Court, such Slave or Slaves; but before the said Slave or Slaves shall give evidence in any civil suit, the party requiring testimony shall tender to the Proprietor, or pay into Court, for his use, the sum of per day, for such time as the witness shall be absent from the duty of his or her master, mistress, or employer.

And be it enacted and ordained, by the authority aforesaid, that in case any Slave or Slaves shall wilfully or corruptly give false evidence in any trial, either civil or criminal, to be had under this Act, such Slave or Slaves shall incur and suffer, under the order of the Court before which such trial shall take place, the same punishment as is now by Law annexed to the commission of the crime of wilful perjury, by any person or persons of free condition.

And be it further enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, in his half-yearly reports to the Governor,

shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

Evidence of Slaves.

THE Evidence of Slaves would appear from the early enactments always to have been received in Antigua for and against each other, but to have been inadmissible in any cases relating to white or free persons, and by invariable usage; Slaves, when witnesses, have always been examined without oath, which course of proceeding is expressly recognized by the Act of the 15th March 1821, establishing a Court of King's Bench, and Grand Sessions for the trial of Criminal Slaves, who, with this single exception, are in all cases of trial for capital offences, in every other respect placed on precisely the same footing as the white and free inhabitants of the Colony.

ANTIGUA.

A Bill to regulate proceedings for obtaining the Manumission of Slaves, and to enable Slaves, under certain restrictions, to purchase their own freedom.

WHEREAS the removal of every obstacle to the acquirement of freedom by well disposed and industrious Slaves, may have the effect of more generally exciting, among that class of the population, a laudable spirit of ambition for its fair and honest attainment, and be productive of increased good order and conduct throughout the Colony: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your most Excellent Majesty, that it may be enacted and ordained: And be it, and it is hereby enacted and ordained by the authority aforesaid, that no duty, or tax, or fee of office, shall be paid in Antigua, upon or in respect of the manumission of any Slave or Slaves, or the enrolment of any deed of manumission, except a fee, not exceeding the sum of current gold and silver money of said Island, which the Protector and Guardian of Slaves shall pay to the Registrar of deeds of the said Island, for enrolling and recording every deed of manumission; and that any person or persons taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding nor less than current gold and silver money of said Island, to be recovered by Bill, plaint, or information, in the Court of Common Pleas of the said Island, by any one who may sue for the same, and to be divided in equal moieties between His Majesty and the person so suing: And be it enacted and ordained by the authority aforesaid, that if any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or the reputed wife, or husband, or child, or brother, or sister of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid: And be it enacted and ordained by the authority aforesaid, that if the owner or owners of such Slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, or lease, or other charge upon or interest in any such Slave invested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or owners, or any other person having interest in the Slave, shall be a minor or minors, or a married woman, or idiot, or lunatic; or if the owner or owners of the Slave is or are absent from the Island, or shall not be known; or if any suit or action shall be depending in any Court of Justice in the Island wherein the title to such Slave, or the right to his services, shall be in controversy; or any writ of execution shall have been issued against the owner or owners of such Slave or Slaves, whereby the said Slave or Slaves shall or may have become charged or affected; or if the owner or owners of the Slave or Slaves shall demand, as the price of his or her or their freedom any sum, which, in the judgment of the Protector and Guardian of Slaves, shall exceed the real value of

such Slave or Slaves; then, and in every such case, the Chief Justice of the Court of Common Pleas, on the application of the Protector and Guardian of Slaves, shall issue a summons, requiring the owner or owners, or manager of the Slave or Slaves, to appear before him, at some convenient time and place, and notice shall be published by the Protector and Guardian of Slaves, in the public Gazette of the Island, on different days, of the time and place so appointed for the purpose aforesaid; and in such notice all and every person or persons having, or claiming, any interest in any such Slave or Slaves, either in his, her, or their own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

And be it enacted and ordained by the authority aforesaid, that at the time appointed for any such meeting, the Chief Justice, in the presence of the Protector and Guardian of Slaves, and also in the presence of the owner or owners or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before mentioned notices, then if necessary), in the absence of such owner or owners, or manager, shall proceed to hear, in a summary way, what may be alleged by the said Protector and Guardian of Slaves, and by the owner or owners, or manager, or other persons claiming any interest in the Slave proposed to be manumitted, if present; and in case any of the parties shall refuse to effect any such manumission, or if it shall appear to the said Chief Justice, that a valid manumission of any such Slave or Slaves cannot legally be effected by private contract, or that the owner of any such Slave or Slaves, or that any person or persons having any charge upon, or interest in, him or her, or them, is or are a minor or minors, or a married woman, or idiot, or lunatic, or that the real owner of any such Slave, or that any person have any charge upon, or interest in, him or her, is absent from the said Island, or is unknown, or cannot be found; or that any suit or action is depending in any Court of Justice in the said Island, wherein the title to the said Slave, or the right to his services, is in controversy; or any writ of execution issued as aforesaid; or if it shall appear to the said Chief Justice, that any difference of opinion exists between the Protector and Guardian of Slaves, and the owner of any such Slave or Slaves, respecting his or her price or value, then the said Chief Justice shall require the Protector and Guardian of Slaves, and the owner or owners, or manager, of any such Slave, each to nominate an appraiser of his or her value; and the said Chief Justice shall himself nominate an umpire between such appraisers; and the said appraisers being first duly sworn before the said Chief Justice to make an impartial appraisement, shall, within days next after such their appointment, make a joint valuation of the Slave or Slaves proposed to be manumitted, and shall certify such their valuation to the Chief Justice, under their hands and seals; and in case such joint certificate shall not be delivered to the said Chief Justice within the said term of days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next days, certify his valuation, under his hand and seal, to the said Chief Justice; and the valuation so to be made, in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry of Deeds in the said Island.

And be it enacted and ordained by the authority aforesaid, that upon payment to the treasurer of the said Island of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the Protector of Slaves a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the office of the Registrar of Deeds in the said Island, together with a declaration, under the hand and seal of the said Chief Justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him; and thereupon such Slave shall be, and be deemed and taken to be, free, to all intents and purposes.

And be it enacted and ordained by the authority aforesaid, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the Chief Justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be

made, then such money shall remain in the hands of the public treasurer of the said island, at interest at the rate of per cent per annum, such interest to be borne by and defrayed out of the public funds of the colony; and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such and the same uses, conditions, mortgages, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the Chief Justice of the said colony may, upon a summary application of any person interested therein, see fit to make; and such principal money and interest shall, by the said treasurer, be paid and disposed of in pursuance of and obedience to any such order.

And be it enacted and ordained by the authority aforesaid, that in all cases where an appraisement of a Slave shall be made by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner and the Protector and Guardian, respecting the price or value of the Slave, the expenses of the appraisement shall be borne equally by, and divided between, the owner and the Slave proposed to be manumitted; and in all cases where the appraisement is made by reason of the inability of the owner to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of the owner, or by reason of the absence of the owner, or other person having a charge upon the Slave, from the Island, or by reason that the owner is unknown, or cannot be found, or by reason of the pendency in any Court of Justice of any suit wherein the title of a Slave, or the right to his services, is in controversy, or by reason of any writ of execution issued as aforesaid; then, and in all such cases, the expenses of the appraisement shall be equally divided between the Slave proposed to be manumitted and the owner, and the portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment shall be made thereof as aforesaid.

And be it enacted and ordained by the authority aforesaid, that before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the Protector and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission, and the said Protector and Guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector and Guardian of Slaves, or of some proper witness to be by him appointed for that purpose, and, being so executed, shall by such Protector and Guardian of Slaves be enrolled in the office of the Registrar of Deeds of the said Island, within one calendar month next after the date and execution thereof; and in case any such deed shall not be left for enrolment at the said office within the said period of one calendar month, the said Protector of Slaves shall incur and be liable to the payment of a fine not exceeding the sum of , nor less than : Provided always, nevertheless, that no Slave or Slaves shall be held entitled to purchase his, her, or their freedom, or the freedom of his, her, or their husband, wife, or child, or children, or reputed husband, or wife, child, or children, or of his or her brother or sister, unless a certificate of the previous good conduct of all and every such Slave or Slaves so intended to be purchased and manumitted, for the space of years, previous to such intended purchase and manumission, shall be first produced to the Protector and Guardian of Slaves by such Slave or Slaves, under the hand of some respectable person or persons of free condition, competent, from a sufficient knowledge of the character and habits of such Slave or Slaves, to grant such certificate; and provided always, that no Slave or Slaves duly convicted of larceny shall be permitted or held entitled to purchase his or her freedom, for the space of years, after such conviction.

And be it enacted and ordained by the authority aforesaid, that in case any such deed of manumission as aforesaid shall be executed voluntarily and without any valuable consideration passing to the owner, or other person effecting such manumission, any Slave or Slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said Protector and Guardian of Slaves, or before the Assistant Protector and Guardian of Slaves, in the parish in which such Slave may happen to be resident; and if it shall appear to the said Protector and Guardian of Slaves, or to the Assistant Protector and Guardian of Slaves, as the case may be, that the Slave or Slaves about to be gratuitously manumitted, is or are under the age of years, or above the age of years, or is or are labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver, under his hand and seal, a bond to His Majesty in the penal sum of for each Slave so to be manumitted, with a condition thereunder written, for the defeazance thereof, if the said Slave or Slaves shall be properly fed, clothed, and maintained, until the age of years; in the case of infants, or during the term of his, her, or their natural life; in the case of adults of the age of years, or labouring under any such sickness or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of Registry, until such bond as aforesaid shall be duly executed and registered, and deposited in the said office.

And be it enacted and ordained by the authority aforesaid, that in the half-yearly returns, to be made by the Protector and Guardian of Slaves to the Governor of the Island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

Manumission of Slaves.

IT would not appear that there has ever existed in Antigua the slightest restraint on fair and *bonâ fide* manumission of Slaves, nor has any duty or tax ever been laid on such manumissions.

To prevent, however, persons from improperly setting free diseased or infirm Slaves, it is provided by the 12th Clause of the Act of the Leeward Islands, No. 36, as follows; viz. "Whereas, to avoid the inconveniences that "do sometimes arise from persons manumitting and setting free their Slaves "when they are rendered incapable of service by age, infirmity, accident, or "calamity, to avoid the expense of providing a proper subsistence for such "slaves; be it and it is hereby further enacted, that if any proprietor of a "Slave shall manumit or set free any Slave in his or her possession, who shall "be rendered incapable of service, from any of the causes aforesaid, that such "proprietor shall be obliged to pay into the hands of the Treasurer of the "Island, where such Slaves shall be manumitted and set free, the sum of three "hundred pounds currency, from which sum such Slaves shall be entitled to "draw half-yearly an interest arising upon such sum, according to the rate of "interest in each respective Island, for his or her subsistence during the life "of such Slave; and that upon the death of such Slave, so manumitted and "set free, the said sum of three hundred pounds currency shall be appropriated "to the use of the public."

And by the 10th Section of an Act, No. 212, intituled, An Act for the further prevention of "damages to the harbours and abuses in carrying on "the Island trade of this Island: regulating the hire and manumission of "Slaves, and for advertising runaways committed to gaol;" it is provided, that "whereas a barbarous and inhuman custom hath prevailed of manumitting "and setting free, Slaves, diseased, blind, aged, or otherwise disabled from "working, and at the same time, no ways providing proper clothing, habitation, "and sustenance for such Slaves, but suffering them to ramble about and beg "for their subsistence; be it therefore enacted, that if any person or persons "shall hereafter manumit or set free any Slave or Slaves, he, she, or they, or "the representatives of such person or persons shall provide a proper house "and sufficient clothing and diet for such Slave or Slaves; and if any Slave or "Slaves so freed, shall afterwards be found rambling or begging, through the

" neglect of such person or persons, he, she, or they, or their representatives " shall be fined, upon good proof, by any two Justices of the Peace, in any sum " not exceeding twenty pounds, nor less than five pounds, one half to the " informer, and the other to the public, to be disposed of as hereafter " directed; and any person suffering any Slave or Slaves, blind, diseased, aged, " or otherwise disabled from working, to ramble or beg about the Towns or " Country, such persons offending, shall be punished in the same manner, as " if he, she, or they had regularly manumitted and neglected to make proper " provisions as aforesaid."

Which two Clauses, above recited, will be found to embrace to the full extent the provisions on the same subject now proposed by His Majesty's Government.

ANTIGUA.

A Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.

WHEREAS it is highly essential to the welfare and prosperity of this Colony, to afford every possible facility by law to the promotion of moral and religious principle among the Slave population; and whereas nothing can more effectually tend to accomplish so desirable an object, than a due encouragement of marriages between such persons, which, it is confidently hoped, may speedily tend to such general improvement in their character and condition as cannot fail to be materially beneficial in its results, to their proprietors and to themselves: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slaves, being hereafter desirous to intermarry, shall be at liberty to apply, either to the Protector and Guardian of Slaves, or to the Assistant Protector and Guardian of Slaves of the parish in which the woman may reside, for a marriage licence, producing the consent, in writing, of their owners or managers to the celebration thereof.

And be it enacted and ordained by the authority aforesaid, that if the owner or manager of both, or either of the Slaves, shall refuse his or her consent to the marriage, or shall not give his or her written permission for the celebration thereof, the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves, shall issue a summons, requiring the owner or manager to appear before him at a time and place to be appointed for that purpose, such time not being more than distant, from the time when the application shall be received by such Protector and Guardian of Slaves, or Assistant Protector and Guardian of Slaves; and if the owner or manager fails to appear, or, appearing, fails to give good proof that the marriage would be injurious to the well-being of the Slaves, the Protector and Guardian of Slaves, or the Assistant Protector and Guardian, shall issue a marriage licence, which shall be granted without fee or reward, authorizing any Clergyman of the Established Church of England and Ireland, or any Minister of the Kirk of Scotland, or any Priest or Curate professing the Roman Catholic Religion, or any public Teacher of Religion within the said Island Antigua, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such slaves; provided, that no public Teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland, or a Priest or Curate professing the Roman Catholic Religion, shall be so authorized to solemnize any such marriage, unless His Majesty's Principal Secretary of State, having the department of the Colonies, or the Governor or acting Governor of the said Island of Antigua, shall grant to such public Teacher a written licence to celebrate marriages, nor unless such licence has been registered in the office of the Protector and Guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage,

And be it enacted and ordained by the authority aforesaid, that it shall be lawful for any such Clergyman, Minister, Priest, Curate, or religious Teacher, upon receiving any such Licence, to solemnize any such Marriage; and the Marriage, when so solemnized, shall to all intents and purposes be valid, binding, and effectual in the Law; provided, that no such Marriage shall confer on any such Slaves, or their issue, any rights inconsistent with the duties which the Slaves owe to their owners, or to the Government, or at variance with those rights which the owner, and the Government respectively, are by Law entitled to assert and exercise over such Slaves and their progeny.

And be it enacted and ordained by the authority aforesaid, that any person by whom any such Marriage may be solemnized, by virtue of any such Licence as aforesaid, shall, within next after the solemnization thereof, under a penalty of not more than nor less than transmit to the Protector and Guardian of Slaves at a Certificate of the solemnization of the Marriage, and such Protector and Guardian of Slaves shall register, in a book to be kept by him for that purpose, every Marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing, every such Marriage.

And be it enacted and ordained by the authority aforesaid, that this Act shall not extend, or be construed to extend to render any Marriage between persons in a state of Slavery valid and effectual, which would be illegal or void if such persons were of Free condition.

And be it enacted and ordained by the authority aforesaid, that in his half-yearly Returns to the Governor, the Protector and Guardian of Slaves shall include a statement of the number of Licences which may have been granted by him in the preceding half year for the Marriage of any Slaves, with the number of Marriages solemnized in pursuance thereof.

Marriage of Slaves.

By the 22d Clause of the Act of the Leeward Islands, No. 36, it would appear that at the time of passing that Statute, it was not considered proper or necessary to enforce the celebration of religious rites among the Slave population, and that it was deemed the more eligible plan to encourage rather than compel their improvement in Morality, Religion, and Civilization—with this view, it is provided, "That every owner and director of any Slaves on any estate "within the Leeward Islands, shall, within two months after the publication "of this Act, and also on the first day of January every year, convene and as- "semble together the Slaves under his direction, and inquire of them which of "them have a husband and wife, or more than one; and if an acknowledgment "be made in consequence of such inquiry of more than one husband or wife, "then such owner or director shall compel such Slave making such acknow- "ledgment, to elect some one Slave only as his or her husband or wife; and "when such election is made, such owner or director shall enter the same in a "book to be kept for that purpose, and make the same as public as possible, by "convening once in every twelve months all the Slaves upon such plantation, "and reading to them the same in a distinct and audible voice, at the same "time extolling the good behaviour of those who have been faithful to their "engagements, and reprobating the misconduct of those who have acted to the "contrary, doing his utmost to keep together in harmony, the parties who "have made such election, and to encourage all the other Slaves of which he is "manager, master, or director, as they shall arrive at the age of maturity, to "make such election as aforesaid, and adhere as strictly as possible to the same. "And every owner or director of any female Slave, who shall have a child "while she preserves her fidelity to such engagement as aforesaid, or is reputed "so to do, shall, in six weeks after the birth of such child, if the same be "then living, pay and give to the mother of such child four dollars, and the "same sum, with one dollar more, for every other child she shall bear and have "under the same circumstance; and if any owner or director shall omit in any "respect to comply with and fulfil the directions of this Clause, he shall forfeit "the sum of fifty pounds for every such omission."

By the 23d Clause it is provided, " That every owner and director shall give " to every male and female Slave who shall live together peaceably and faith- " fully as aforesaid, as man and wife, one dollar each for every year that they " shall so live together."

By the 24th Clause it is provided, " That as soon as any female Slave shall " have six children living, and who have been born during such cohabitation " as aforesaid, the youngest of which shall be seven years of age, the owner or " director of such female Slave shall not oblige such female Slave to do any " other than light work, under the penalty of twenty pounds."

By the 25th Clause it is provided, " That no owner or director of any Slave, " nor any overseer, nor any other description of white man, on any plantation, " shall weaken the effect of the exhortations and inquiries enjoined by this " Law by his own irregular conduct, in cohabiting or having criminal commerce " with any female Slave who shall have elected her husband as aforesaid; every " such person, for such offence, being thereof convicted by legal testimony " before any two or more Justices of the Peace, shall forfeit and pay the sum " of one hundred pounds."

The Marriages, however, of free persons with Slaves, are prohibited by the two following Clauses of the Act, No. 130, intituled, " An Act for the better " government of Slaves and free Negroes."

" And be it further Enacted, that if any Ministers of this Island shall marry Clause 24th. " any free person to any Slave in this Island, such Minister shall forfeit to the " public of this Island fifty pounds current money, to be recovered by warrant " under the hand of the Governor in Chief, Deputy Governor, or President for " the time being of said Island, in nature of an execution, directed to the Pro- " vost Marshal of this Island, who shall levy the same."

" And be it further Enacted, by the authority aforesaid, That the said free Clause 25th. " person so marrying such Slaves, shall pay to the owner of the Slave he hath " married the sum of twenty pounds, or be obliged, by order of two Justices, " to serve four years, all the aforesaid forfeitures to be to the same uses, and re- " covered after the same manner as before recited in this Act."

No. 6.

(No. 45.)

My Lord, *Government House, Antigua, 21st August* 1826.

THE departure of a merchant vessel for Liverpool, enables me to have the honour of transmitting to your Lordship the four remaining Bills, accompanied by the Notes, referred to in my letter of the 9th August (No. 41).

I have the honour to be,
My Lord,
Your Lordship's most obedient humble servant,
(Signed) PATRICK ROSS.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

ANTIGUA.

A Bill to prevent the Separation of Slaves, being Members of the same Family by virtue of any Legal Process.

WHEREAS it is desirable, on every principle of humanity, that the usage which has hitherto obtained in this Colony, of indiscriminately levying upon, and selling Slaves under judicial process against the owner or owners, should be hereafter discontinued, and that effectual means should be provided by law for preventing in future the extreme hardship with which, in many cases, such usage has been found to be attended to the Slave population, among whom the nearest and closest relations of social life have frequently thereby been for ever suddenly and harshly dissolved: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby en-

acted and ordained by the authority aforesaid, that in the execution of any judgment, sentence, decree, or order of any Court of Justice within the Island of Antigua, it shall not hereafter be lawful to seize or sell any Slave having a husband or wife, or a child or children under the age of years, or a reputed husband or wife, or child or children under that age, who may be the property of the same person or persons, unless such husband and wife, and child or children, or reputed husband, wife, or child or children, shall be sold together, and in one and the same lot, and to the same person or persons; and that if, in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband or wife, or child or children, or reputed husband or wife, or child or children as aforesaid, such sale and execution shall be absolutely null and void in the law to all intents and purposes.

And be it enacted and ordained by the authority aforesaid, that if the Provost Marshal, or his Deputy, or any other executive officer making any levy upon Slaves under any writ of execution or judicial process, shall be unable to ascertain whether any Slave on which he may so levy has or has not a husband or wife, or reputed husband or wife or child, or children under the age of years belonging to the same owner, it shall be the duty of such Provost Marshal, or other Officer, to make a special return of any such circumstance to the Court out of which the execution has issued, and the Court shall thereupon direct a copy of such return to be transmitted to the Protector and Guardian of Slaves, and upon hearing of what may be alleged by such Protector and Guardian, and by the several parties in any such action, cause, suit, or proceeding, the said Court shall decide whether the Slave so seized hath or hath not any husband or wife, or reputed husband or wife, or child or children under such age as aforesaid, belonging to the said person or persons; and such Court shall make a rule upon such Provost Marshal, or other Officer, requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

And be it enacted and ordained by the authority aforesaid, that whenever, in compliance with the provisions of this Act, the Provost Marshal, or his Deputy, shall be obliged to levy on, or sell, under any execution or judicial process against the owner or owners, such a number of his, her, or their Slaves, as shall or may exceed in value the amount to be actually levied or recovered against such owner or owners under such execution or judicial process as aforesaid, all and every the surplus monies arising from such sale or sales shall be paid, applied, and disposed of by the said Provost Marshal, or his Deputy, to and for the use of such owner or owners, and to be recoverable by him, her, or them, in such manner and form, and under the same regulations, as are now by law applicable to surplus monies arising from the sale of any other species or description of property whatsoever.

Sale of Slaves under Judicial Processes.

BY the 3d section of the Act of the Leeward Islands, No. 31, "Slaves on "Plantations are declared to be inheritance and affixed to the freehold, and are "with such plantations descendible to the heir at law, and widows are dowable "out of them:" And it is provided by the 4th section, "That none of such "Slaves shall be carried off or employed from the plantation otherwise than "for the immediate service thereof by any tenant in dower or by the heir or "other person or persons in remainder or reversion, but that each of them shall "join in carrying on the general interest for the best advantage of all parties "concerned."

By the 9th and 10th clauses of an Act of Antigua, No. 83, "after reciting, "that executors and administrators had, on several occasions, disposed of "Negroes as chattels which had frequently proved injurious to estates, it was "provided for the full prevention of such practice, that all Negro and other "Slaves after the date of that Act, should be, and were thereby declared to be "inheritance, and the widow capable of being endowed thereof, provided "always, that any executor or administrator might inventory the said Negroes, "but not take them into his custody, to the intent, that if there should not be "sufficient goods and chattels to pay the deceased's debts, that then the said

" Negroes should be liable to be taken for payment of the said debts, and be as " chattels to that purpose, and not otherwise."

Slaves, in conformity to these provisions, have consequently always been considered in this Colony as realty, and have been conveyed with all the necessary formalities of such property.

They have, however, by various enactments, from time to time, been recognized as chattels for the payment of debts by the owner, and have in successive Tax Bills been directed to be sold for defraying such taxes; and they are expressly made liable by the Act of the Leeward Islands, No. 36, to be sold for the payment of debts contracted for food and clothing for them, and such debts as are under certain regulations prescribed by that Act made a prior lien on Slaves, except as against debts to the Crown.

By the Act No. 475, commonly called the "Court Act," whereby executions in the Court of Common Pleas are regulated, and the recovery of recognizances, &c. in the Criminal Courts is provided for, Slaves are made liable to be sold for the satisfaction of such executions and recognizances, &c. in the following manner: viz.

By the 103d clause, a writ of execution in a civil suit is directed to be levied by the Marshal in the following order: viz. " First, on produce belonging to the " defendant, if insufficient, then on household furniture, and other goods and chattels, plantation stock, Slaves, lands, annuities and debts," and Slaves so levied on "are directed to be sold under certain formalities in twenty-three days, dur- " ing which period, on security being given for the forth-coming, they may be " retained by the owner in his possession."

By the 217th section of the same Act, " writs of execution on forfeited recog- " nizances," and by the 6th section of the Act, No. 509, "fines imposed by the " Court of King's Bench and Grand Sessions are directed to be levied on the " goods, chattels, Slaves, lands, and tenements of the defendant, with the same " regulations as to the sale of any such property as are previously made in cases " between subject and subject;" and

By the 120th clause of the Act, No. 475, "it is expressly declared, that whenever " any Slave's goods or chattels are to be sold at outcry, the Marshal or his De- " puty shall set the same up in parcels, and Slaves shall be set up and sold in the " town of St. John only one by one, save when there is a child or children under " the age of twelve years, which shall be set up with the mother if there be a " mother to be sold"—which extremely creditable restriction will be found to have already pretty nearly embraced the views of His Majesty's Government on this particular subject.

ANTIGUA.

A Bill for the Suppression of Public Markets on Sunday, and for preventing Slaves being compelled to labour on that day.

WHEREAS it is highly expedient to discontinue by Law the usage which has heretofore improperly obtained of holding public markets on the Sabbath, and more effectually to secure a due observance of that holy day by all classes of the inhabitants of this Colony; We therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, And be it, and it is hereby enacted and ordained by the authority aforesaid, that from the time when this Act shall come into operation, all persons of free condition who, on any Sunday after the hour of in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties and forfeitures, as by any Law now in force in this Island may be inflicted upon, or incurred by, any person offending therein in like manner, and if any such offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the Clerk of the market, or any Constable, and such goods shall be taken on the following day before any Justice of the Peace,

who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows, that is to say, one-third to the informer, and the remainder to such pious or charitable purposes as such Justice of the Peace shall direct.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that from the time when Sunday markets shall be totally suppressed, as hereinafter mentioned, the same punishments, penalties, and forfeitures, shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or attending at any such market, at whatever part of the day called Sunday the offence may be committed.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall be lawful for His Majesty, by an instruction to be issued to the Governor of Antigua, through one of his Principal Secretaries of State, to direct the said Governor of the said Island of Antigua to issue in His Majesty's name a Proclamation for the discontinuance and suppression of all markets throughout the said Island on the Sunday, and so soon as such Proclamation shall have been issued, all Sunday markets shall cease, and be absolutely unlawful; Provided always, that this Act shall not extend to prevent the dressing or selling meats in Inns or Victualling-Houses, or the sale of fish or milk; and provided also, that such sale shall not take place in any town or parish during the hours appointed and set apart for the celebration of divine service therein; nor shall this Act extend to prevent the sale of medicines during any part of the Sunday.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in every town and parish throughout the Island, wherein markets have by law, usage, or prescription, been heretofore holden on Sunday, such markets shall hereafter be holden on in each and every week; which day shall be allowed to the Slaves on each and every Plantation throughout this Island Antigua, for selling and disposing of such articles as by Law they may be entitled to offer for sale; and if any Owner or Director of Slaves shall refuse or neglect to allow such day to his Slaves, for the purpose aforesaid, he shall incur a fine not exceeding the sum of current gold and silver money of this Island, to be imposed, on due conviction of such neglect or refusal, by any two Justices of the Peace in this Island.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any person shall work or employ any Slave between the hours of ten at night on any Saturday and sun-rise on any Monday, or shall during that period procure, induce, or compel any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending, shall incur a fine not exceeding nor less than current gold and silver money of this Island.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that if any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night and sunrise on Monday morning, for wages or any other consideration, the person so hiring any such Slave shall incur the penalties before-mentioned; Provided always nevertheless, that the preceding Rules shall not extend to labour performed by any Slave, on Sunday, in the necessary attendance on the person or in the family of his or her owner or employer, nor to labour performed in the necessary preservation of the cattle or live stock on any plantation, nor to labour performed by Slaves as watchmen on any estate, or in nursing or attendance on the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage or injury to the property of his or her owner or employer. And no Slave so employed by his or her owner or employer on Sunday shall be entitled to any hire or wages for such services.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in any case where it shall be absolutely necessary for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, this Act shall not extend to prevent any Slaves from hiring themselves either to their owner, or to any other person, to perform such necessary work on that day; provided, that no Slave may be hired by any person, except the owner, to perform even such necessary work as aforesaid on the Sunday, except with the written consent of the owner. And also provided, that the Protector and Guardian of

Slaves of the Island shall publish a notice in the Public Gazette on the twenty-fifth day of December and twenty-fourth day of June, or as soon after those days as any such Gazette may be published, in each year, in which notices shall be stated the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work for the special purpose before mentioned; and such notices shall state the different rates of wages, according to the age and sex of the Slaves, and according as they may be field negroes or artificers; and that no hiring of any Slave on the Sunday for any such special purpose shall be a legal hiring or exempted from the penalties of the law, unless such Slave shall actually receive and be paid, for his own use and benefit, wages of not less than the rate so to be fixed by such public notices.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that no Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily, and shall receive such wages as before mentioned.

Observance of the Sabbath, and Abolition of Public Markets on that day.

THE following local Enactments already exist on this subject, whereby the views of His Majesty's Government are in a great measure anticipated, viz.

By the Act of the Leeward Islands, No. 36, sect. 26, "Every owner or director of Slaves restraining or prohibiting any Slave, excepting such Slaves "whose services are necessary on a Sunday, from attending public worship on "that day, is made liable to a penalty of five pounds; and every beneficed "clergyman refusing to baptize any Slave sufficiently informed, without fee or "reward, on any Sunday after divine service, is rendered liable to a fine of "thirty shillings."

By the 5th clause of the Act, No. 130, "It is provided, that all Negroes who "shall, though with a ticket or other leave from their owners or possessors, "sell any thing in any of the towns on the Lord's Day, he or they shall be "taken up and whipped, and paid for as runaways, if not returned, or going to "their respective masters by ten of the clock, to the intent that all opportunities of idleness and robbery may be taken away."

And by the 20th section it is declared, "That if any person whatsoever shall "sell any rum to a Slave on the Sabbath Day, or any sort of dry goods, by "barter or otherwise, he shall forfeit three pounds current money for each "offence."

By the 136th clause of the Act, No. 475, "No person can be arrested or "taken in execution, nor can any writ or process in civil causes be executed on "a Sunday."

By an Act of this Island, dated 24th April 1824, it is provided, "That if "any person whatsoever in this Island shall, after the publication of this Act, "presume to sell or barter any rum, cordial waters, or other strong waters, upon "the Lord's Day, he or she shall, upon conviction thereof before the Court of "King's Bench and Grand Sessions of this Island, be liable to fine and imprisonment, at the discretion of the Court."

And by a subsequent Act, dated the twenty-first day of May, in the year of our Lord one thousand eight hundred and twenty-four, after reciting, "That "the practice of exposing goods, wares, and merchandize for sale, in stores, "warehouses, and other shops, upon the Lord's Day, is not only scandalous in "itself, and irreverent to Almighty God, but cannot fail, in a political point of "view, to prove extremely injurious to the welfare of the inhabitants at large, "by corrupting the morals of the lower orders, and thereby counteracting the "benefits of that religious instruction which it is at once the hearty desire and "the sound policy of the Legislature to diffuse amongst them, not simply by "the aid of common precept, but by the still more powerful force of good example on the part of those of higher station in the colony. And that a large "portion of the inhabitants have lately very laudably marked and recorded "their reprobation of this practice, by a petition to the House of Assembly, "very properly detailing the evils which are likely to arise from it, and praying "that an Act may be passed for inflicting such heavy penalties upon offenders

" as may have the desired effect of putting a more exemplary and decided pro-
" hibition to it; and it is but justice to the well disposed, that their interests
" should be protected against any attempts that may be made by the more mer-
" cenary and avaricious to undermine them."

It is declared, " that from and after the publication of this Act, it shall not
" be lawful for any person in this Island to expose or offer for sale any goods,
" wares, or merchandize, in any store, warehouse, or shop, upon the Lord's Day,
" or any part thereof; and that all stores, warehouses, and shops, shall be kept
" constantly closed and shut up upon the Lord's Day, and every part thereof,
" accordingly; and every person offending against this Act shall, upon convic-
" tion thereof upon indictment before the Court of King's Bench and Grand
" Sessions of this Island, be punished by fine and imprisonment, at the discretion
" of the said Court; and if any person so convicted shall be a licensed retailer
" of rum, cordial waters, or other strong waters, he or she shall *ipso facto* for-
" feit his or her licence, and be held incapable of ever holding another; and all
" fines inflicted by the said Court upon offenders under this Act, shall be to the
" sole use of the informer, who is hereby declared to be a competent witness.
" Provided always, that the prohibitions herein contained shall not be construed
" to extend to inns, taverns, or victualling-houses, or druggists or apothecaries
" shops, or to butchers or bakers shops, in which no article except meat and
" bread shall respectively be sold; and provided also, that no person or persons
" shall be impeached, prosecuted, or molested, for any offence against this Act,
" unless he, she, or they, shall be informed against within ten days after the
" said offence shall have been committed."

ANTIGUA.

A Bill for further regulating the punishment of Slaves, whether inflicted by due course of Law, or by the authority of the Owners.

WHEREAS various laudable enactments have, highly to the credit of this ancient Colony, been from time to time passed by the Legislature thereof, for the protection of the Slave population from cruel or oppressive usage; and whereas, although instances of the infringement of those wise and salutary enactments have happily, from the generally humane conduct of all classes of the inhabitants towards their Slaves, been of very rare occurrence, yet, in order more effectually to guard against them in future, it hath been deemed necessary more clearly to define, and explicitly limit, the exact nature and extent of punishment, which by judicial order, or under the authority of the master, may hereafter be lawfully inflicted on Slaves, within this Island Antigua. We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that in all prosecutions which may be commenced in any Court of Justice in the Island, wherein a Slave may be charged with any offence punishable by death, or transportation, notice shall be given, in writing, to the Protector and Guardian of Slaves, of such prosecution; and the Protector and Guardian of Slaves is hereby required to attend at the trial and other proceedings in every such prosecution, as the Protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave; and the Protector and Guardian of Slaves shall be allowed, on all such trials and proceedings, to act for the benefit of the Slaves in the same manner as, by the law of this Island, any Counsel or Attorney at Law, may, upon similar occasions, act for the benefit of any person of free condition.

And be it enacted and ordained by the authority aforesaid, that it shall be illegal for any person within the said Island of Antigua, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves in or upon the fields or cane pieces upon any plantation, or to use any such whip, cat, or other instrument of the like nature, for the purpose of impelling or coercing any Slave to perform labour of any kind whatever, or to carry or exhibit upon any plantation, or elsewhere, any such cat, whip, or other

instrument, as an emblem of the authority of the person so carrying the same over any Slave or Slaves; and any person offending against this rule, or directing, instigating, or abetting in any such illegal driving, or use, or exhibition, of any such whip, cat, or other instrument whatever, shall be guilty of a misdemeanor.

And be it enacted and ordained, by the authority aforesaid, that it shall be unlawful for any person to inflict in any one day, upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding in the whole; or to inflict upon any such male Slave any punishment, by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male Slave any punishment, by the whipping or beating of his person, until twenty-four hours at the least shall have elapsed from the time of the commission of the offence, in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment other than the person by whom, or by whose authority, the punishment may be inflicted; and any person offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave shall be guilty of a misdemeanor; Provided always, that the preceding rules shall not be held to extend to any punishments which may be inflicted on any Slave under the judgment of any Court of competent jurisdiction.

And be it enacted and ordained by the authority aforesaid, that it shall not be lawful to punish by whipping any female Slave, for any offence committed, or alleged to be committed, by her; and any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanor; Provided always, that the preceding clause shall not extend to prevent the owner of any female Slave under the age of years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth in the said Island Antigua.

And be it enacted and ordained by the authority aforesaid, that crimes which may hereafter be committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be punished, at the discretion of the Court of Justice, or the owner or the manager directing such punishment, in one or the other of the following modes, that is to say, first, by solitary confinement, with or without work, in any proper place for that purpose on the estate; provided, that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the Island, and the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves, of the parish where the same is situate, shall have signed a certificate in writing approving such place of confinement, which certificate shall be transmitted to, and deposited in the office of the Protector and Guardian of Slaves; and also provided, that no such solitary confinement shall be continued more than for any one offence, and that no Slave shall be subjected to punishment by solitary confinement more than in any one calendar month; secondly, by field stocks, or confinement of the hands, during the hours of labour in the field; provided, that the period of confinement shall not at any one time exceed and shall not be repeated a second time until afterwards; thirdly, by house-stocks for the hands and feet, or either of them, with or without seats, during any period of the day; provided, that the period of confinement shall not exceed, for any one offence, the space of , and that no such punishment shall be repeated twice within the period of ; fourthly, by bed-stocks for the confinement of the feet during the night; provided, that no such punishment shall be repeated within the period of ; fifthly, by distinguishing dresses to be used either with or without the stocks; provided, that such punishment be not continued more than for any one offence, and that the same be not repeated within ; sixthly, by confinement, either solitary or otherwise, during one of the hours of noon, with or without work during

such confinement; provided, that no such punishment be repeated within the period of

And be it enacted and ordained by the authority aforesaid, that any person repeating any such punishment as aforesaid, at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose, or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid, within next preceding such confinement, or using any stocks for the purpose of punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman, known or supposed by him to be pregnant, by solitary confinement, or by any stocks, applied in such a manner as to produce the risk of miscarriage, shall be guilty of a misdemeanor.

And be it enacted and ordained by the authority aforesaid, that in any case in which a male Slave is now by law punishable with flogging, it shall be lawful for his owner or employer, or for any Court of Justice or Justice of the Peace having jurisdiction therein, to substitute for such flogging any one of the punishments before mentioned; provided, that the conditions and regulations aforesaid, so far as they are applicable to the case of male Slaves, be duly observed.

And be it enacted and ordained by the authority aforesaid, that none of the before-mentioned punishments shall be inflicted on any Slave, by the authority of the owner or employer until twenty-four hours at the least have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, nor unless one person of free condition shall be present at, and witness the infliction of such punishment.

And be it enacted and ordained by the authority aforesaid, that every person having charge of a task or working gang of Slaves, exceeding in number, and every owner of, or other person having the direction of, any plantation or estate, within the said Island Antigua, shall keep a book, to be called "The Punishment Record Book;" and it shall be the duty of such owner or other person to enter and record in the said book, at, or immediately after, the time of infliction of any punishment whatever on a female Slave, hereby authorized, or on any male Slave who may be punished in any one day, with any number of stripes exceeding , or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for, or with respect to which such punishment may be inflicted; and of the time at which, and the place where, the offence was committed; and of the time at which, and the place where, such punishment was inflicted; and of the nature, extent, and particulars of the punishment; and, in the cases of male Slaves, of the number of stripes actually inflicted upon the offenders, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons of free condition present and attending at the infliction of every such punishment; and any person or persons neglecting to make such entries in the Punishment Record Book, or not making such entry within after the infliction of the punishment, shall incur a penalty not exceeding nor less than ; and if any person or persons shall wilfully or fraudulently make a false entry or erasure in any such book, or burn, destroy, cancel, or obliterate the same, such person or persons shall be guilty of a misdemeanor.

And be it enacted and ordained by the authority aforesaid, that every person required to keep a Punishment Record Book, shall, on the first Monday next following the fifth of April, twenty-fourth of June, twenty-ninth of September, and twenty-fifth of December, in each year, repair to the Protector and Guardian of Slaves, or the Assistant Protector and Guardian of Slaves of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his Punishment Record Book, and shall take the following oath, which such Pro-

tector or such Assistant Protector and Guardian of Slaves, is authorized to administer, viz.

"I A. B., the owner (or manager, as the case may be,) of the estate "or plantation called , in the parish of "in the Island of Antigua, do make oath and say, that the writing "hereunto annexed contains a true and exact copy of every entry "which, since the day of last, hath "been made in the Punishment Record Book of the before mentioned plantation; and I do further swear, that the said Punishment Record Book hath been punctually and accurately kept "since the said day of , in the manner "by law required, and that no fraudulent erasures, or false entry, "hath been made therein by me, or by any person by my procurement, or with my knowledge or consent."

And be it enacted and ordained by the authority aforesaid, that if any owner or manager shall not, since the time of making his last preceding Return, have inflicted any punishment required by law to be recorded, then, instead of the before mentioned oath, he shall take and subscribe, before the Assistant Protector and Guardian of Slaves of the parish in which he may be resident, the following oath, viz.

"I A. B. do swear, that, since the day of "now last past, no punishment hath been inflicted by me, or by "my order, or with my knowledge, on any Slave belonging or "attached to the plantation called , situate "in the parish of , whereof I am owner (or manager, as the case may be), excepting punishments inflicted on "male Slaves, not exceeding three lashes; and I further swear, "that no entry of any such punishment hath, since the "day of been made in the Punishment Record Book "of the said plantation. So help me, God."

And be it enacted and ordained by the authority aforesaid, that at the least before the time of making any such Return, the Assistant Protector of Slaves of each parish within the said Island Antigua, shall transmit to the owner or manager of every plantation situate within such parish, a printed blank form of the before mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving the returns and administering the oaths aforesaid; and every such Assistant Protector of Slaves shall attend from day to day, for successive days, for the before mentioned purposes; and if it should be made to appear to any such Assistant Protector and Guardian, by the certificate of any medical practitioner, that any person liable to make such Return is rendered incapable, by sickness, of attending for that purpose, then such Assistant Protector and Guardian shall attend any such person, at their place of abode, for the purpose of receiving their returns and taking the affidavits before mentioned.

And be it enacted and ordained by the authority aforesaid, that any person refusing or neglecting to make any return, or to take the oaths required by this law, shall incur a fine, at the discretion of the Court, not exceeding , nor less than ; and any Quaker liable to make any such returns may make the same upon his solemn affirmation.

And be it enacted and ordained by the authority aforesaid, that the Assistant Protector and Guardian of Slaves of each parish, shall transmit to the Protector and Guardian of Slaves, at his office, in , the whole of the returns made to him, with the original affidavits thereto annexed, within next after such quarterly returns are complete; and if any such Assistant Protector and Guardian of Slaves, shall himself be the owner or manager of any plantation, he shall, with the returns, deliver to the Protector and Guardian of Slaves, a transcript of the entries in his own Punishment Record Book for the last preceding quarter of a year, with an affidavit, sworn before one of the Justices of the Court of Common Pleas, in the manner and form before-mentioned, under the same penalties as are imposed on other persons neglecting to make the returns, or to take the oaths

aforesaid; provided, however, that such Assistant Protectors and Guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they shall think proper so to do.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves shall record, in books to be kept by him for that purpose, the whole of the returns, so to be made to him, preserving in his office the originals of such returns and affidavits, and a distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indexes shall be made to such books.

And be it enacted and ordained by the authority aforesaid, that on the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open Court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open Court, declare such traces to be consequences of any unlawful punishment or correction, and being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be by law a competent witness, the owner or manager shall be bound to prove, either that the punishment, of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that the punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one witness of free condition, as is hereby required; and in default of such proof, such owner or manager shall be convicted and judged guilty of the offence imputed to him, and no such prosecution shall be discontinued, except in obedience to a written order issued for that purpose by the Governor, under his hand and seal.

And be it enacted and ordained by the authority aforesaid, that persons guilty of swearing falsely, or, being Quakers, of making a false affirmation, under this Act, shall suffer such punishment as, by the law of the said Island Antigua, may be inflicted on any persons guilty of wilful and corrupt perjury.

And be it enacted and ordained by the authority aforesaid, that any person convicted of any misdemeanor under this Act, shall, if of free condition, become liable to a fine not exceeding , nor less than , or to imprisonment for any time not exceeding , nor less than , or both to fine and imprisonment, at the discretion of the Court before which such conviction may take place; and if the offender shall be a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding at the discretion of the Court before which the conviction may take place.

And be it enacted and ordained by the authority aforesaid, that in case any person shall be convicted of cruelty to any Slave, the Court may, at their discretion, declare the right and interest of the person so convicted, in and to any such Slave, to be absolutely forfeited to His Majesty.

And be it enacted and ordained by the authority aforesaid, that if any person shall be twice convicted of inflicting upon any Slave, any cruel and unlawful punishment, the person so convicted shall, in addition to the penalties before-mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slave or Slaves within the said Island Antigua, and all Slaves of which any such person may, at the time of such conviction, be the owner or proprietor, and all the right and interest of any such person in any such Slave shall thenceforth be absolutely forfeited to His Majesty: Provided always, that no forfeiture to His Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away the right or interest of any person in or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

And be it enacted and ordained by the authority aforesaid, that whenever any such forfeiture as aforesaid shall accrue to His Majesty, it shall not be carried into effect, by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his His Majesty, through one of the Secretaries of State, and His Majesty's pleasure shall have been signified thereupon; but pending such reference, the forfeited

property shall remain vested in His Majesty, subject to be divested, if His Majesty shall be graciously pleased to remit the forfeiture.

And be it enacted and ordained by the authority aforesaid, that the Protector and Guardian of Slaves, in his half-yearly returns to the Governor, shall state the particulars of all the returns which by virtue of this Act may have been made to him in the preceding half-year by the Assistant Protectors and Guardians of Slaves within the several parishes of the Island, and the names of the persons if any against whom he may in the preceding half year have instituted any criminal prosecution under this Act.

Notes on the Bill for Regulating the Punishment of Slaves.

THE provisions contained in the first clause of the Bill proposed by His Majesty's Government, will be found to have been already fully embraced in the Act for establishing a Court of King's Bench and Grand Sessions for the trial of Criminal Slaves, dated the 15th day of March 1821: Whereby Slaves are directed to be tried for all capital offences with precisely the same formalities in every respect (save only as to the evidence as before observed) as white or free persons: And it is provided by the 17th clause, "that in all cases of the "trial of Slaves for felony without benefit of clergy, or other offences, which by "the laws of this Island are or may be punishable with death, the prosecution "shall be carried on at the suit of the Crown by the Attorney or Solicitor Ge- "neral, or by both those officers if thought necessary, and in their absence by "the senior King's Counsel, and Counsel shall be assigned by the Court to the "Slave so charged with felony upon his or her application, or upon the applica- "tion of his or her proprietor, on his or her behalf, or of the representative of "such proprietor."

Clause 2d.

Although no provision has been actually made by law for such purpose; yet the carrying of the whip by the driver as an emblem of authority, or for the purpose of coercion in the field, has for some time past been abolished in practice on every well regulated estate, and where corporal punishment is absolutely necessary the cat applied over the shoulders has been substituted for the cart whip formerly used.

Clause 3d.

Provision has been already made by law, adopting, if not entirely, to a very considerable extent, the regulations proposed by His Majesty's Government in these clauses as by the Act of the Island, No. 636, section 1, it is declared, "that from and after the passing and publication of this Act, no Slave on any "plantation or settlement, or in the common jail of this Island, shall at any "time receive more than six lashes at one time and for one offence, unless the "owner, attorney, guardian, executor or administrator, manager or overseer of "such plantation or settlement, having such Slave in his care, or the keeper of "the common jail, or one of the commissioners of the streets, or the super- "intendent having the direction of such Slaves as may from time to time be "sentenced to hard labour upon the streets of the town of Saint John shall be "actually present; and that no such owner, attorney, guardian, executor or ad- "ministrator, manager or overseer, jail keeper, commissioner, or superin- "tendent, or any other person whatsoever, shall on any account punish a Slave with "more than thirty-nine lashes at one time and for one offence, nor inflict nor "suffer to be inflicted such last-mentioned punishment, nor any other number "of lashes on the same day, nor within fourteen days at least thereafter, nor "until the delinquent shall have fully recovered from the effects of any former "punishment, under the penalty of one hundred pounds for every offence, to "be recovered against the person directing or permitting such punishment."

Clause 4th and 5th.

The only distinction which has hitherto been considered necessary to be made between the punishment of male and female Slaves (on account of the generally insubordinate disposition of the women) has been provided for in the Act of the Leeward Islands, No. 36, section 37, whereby it is declared, "that every owner "or director of any female Slave within the *Leeward* Islands who shall be *five* "*months gone with child*, shall keep and detain such female Slave upon the "estate to which she belongs at all times when the other Slaves are at work, "but not employ her otherwise than in taking care of the children on the "estate, or *other light work*, and such owner or director shall upon no account

" suffer such female Slave to quit the said estate at the times the other Slaves " are at work and employed thereon, nor shall any such female Slave be pu- " nished in any other manner than by confinement; and if any owner or director " as aforesaid, shall offend against this clause in any respect, he shall forfeit *for* " *the same the sum of* five pounds."

Clauses 6th, 7th, and 8th. The local enactments on the subject of repetition and limitation of punishments, have been already fully referred to in the Act, No. 636.

Clauses 9th, 10th, 11th, 12th, 13th, 14th, and 15th. Plantation books or journals of the daily occurrences on the estates are generally kept throughout the Islands, in which the punishments of Slaves are usually inserted on every well regulated property. And although no returns are actually required by law to be made of any punishments inflicted on Slaves, yet it will be found on reference to the 14th, 15th, 16th, 17th, and 18th clauses of the Act of the Leeward Islands, No. 36, and by the 2d section of the Act of the Island of Antigua, No. 636, that it is now fully competent for any Magistrate to institute inquiries as often as he thinks proper, (on even probable intelligence,) of improper conduct into the treatment or punishment of Slaves.

Clause 16th. In cases of persons, not owners of Slaves, beating or maltreating them, provision is already made by law for summarily proving the offence, it being by the 14th section of the Act of the Leeward Islands, No. 36, lawful for any two Justices of Peace to put the offending party on *his own* oath, and to compel him or her to answer to the charge; on refusal whereof, he or she is declared to be considered as convicted, and made punishable as therein is mentioned; and owners and directors themselves are expressly made liable to be indicted for maltreatment, by the 15th clause of the same Act.

In cases therefore (not affecting the life of the individual) if the evidence of Slaves shall be now admitted, presumptive proof would be unnecessary to be resorted to, even as it regards such owner or director.

Clause 17th. By several Acts of the Island, false swearing in any Court of Justice already incurs the pains and penalties of wilful perjury.

Clause 18th. The punishment of fine and imprisonment is already annexed by law to the offences contemplated by the proposed Act.

Clause 19th. The removal of ill-treated Slaves from the immediate possession of the owner, pending the proceedings on any charge of cruelty or ill usage, and a subsequent sale of such Slave, under the authority of the Court, in the event of conviction, has been already provided for by law, by the 15th and 17th sections of the Act of the Leeward Islands, No. 36, which declares as follows:

Section 15th. " That in order to remove any doubt which may arise, as to the legality or " propriety of punishing the owner or director of any Slave for any cruel con- " duct towards such Slave, it is hereby expressly declared and enacted, that if " any person shall *cruelly whip, maltreat, beat, or imprison, or keep in confine-* " *ment without sufficient support* any Slave under his or her direction or care, " such person shall be indicted for the same, in the Superior Court of criminal " jurisdiction for the Island wherein such offence shall be committed, and upon " being legally convicted thereof, shall suffer such punishment, by fine or im- " prisonment, or both, as the Judges or Justices of said Court shall think " proper to inflict; and the said Judges or Justices are hereby authorized, if they " shall deem it necessary for the further protection of the said Slave, to order " the Marshal or his Deputy to sell and dispose of such Slave to any person " (except the owner) at public outcry, and at the best price that can be procured " for such Slave; and the monies arising from such sale, after payment of the " fees, shall be paid to the person having the first lien thereon, and in case of no " such prior lien, then to the owner of the said Slave."

Section 17th. And be it further enacted and ordained by the authority aforesaid, that in case any Justice of the Peace shall receive any complaint or intelligence, which he in his own discretion shall think probable, that any Slave hath been mutilated, cruelly punished, or otherwise maltreated or confined, without sufficient support, it shall be lawful for such Justice of the Peace to call to his assistance some other Justice, and then such two Justices shall be, and are hereby authorized to order any constable to bring such Slave before them, or, if the case shall require it, they are hereby authorized to go to such place where such Slave shall be, and direct such Slave to be produced and shewn to them, that such inquiry and other proceedings may be made and had, as shall be necessary for the further prosecution of the offence; and that if such Justices shall think it

proper or necessary, they shall be, and they are hereby authorized to send such Slave to some public place of security, or to the workhouse, if any is provided in the Island where such Slave shall live, to be there kept and detained, and supported at the expense of the owner or director of such Slave, until further inquiry shall be made into the fact according to law.

The additional penalties imposed and regulated by the 20th, 21st, and 22d clauses, would not appear to have been ever hitherto in any manner contemplated or provided for.

ANTIGUA.

A Bill to enable Slaves to acquire property, and to make provision for the safe keeping of such property by the establishment of Banks for Savings.

WHEREAS, by the invariable usage of Antigua, and which usage hath been sanctioned by various existing enactments, persons in a state of slavery have hitherto been permitted to acquire and enjoy certain property, free from the control of their owners, and it is expedient that such laudable practice should be still further recognized and established by law: We, therefore, your Majesty's most dutiful and loyal subjects, the Governor and Commander-in-Chief, in and over your Majesty's Islands of Antigua, Montserrat, and Barbuda, and the Council and Assembly of this your Majesty's Island of Antigua, do humbly pray your Most Excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, that no person in the Island of Antigua, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed to be, incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be competent to purchase, acquire, possess, hold, alienate, and dispose of lands situate in Antigua, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects, of such or the like nature, of what value and amount soever; provided, that this Act shall not extend to revoke or alter any law now in force in the Island of Antigua, respecting the manner in which Slaves may cultivate land for their own advantage, or to authorize the sale of any articles heretofore prohibited to be sold or disposed of by Slaves, or by any other person or persons on their behalf; and provided also, that this Act shall not extend to authorize any Slave to acquire, or to become the owner of any kind of arms, gunpowder, or ammunition.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that it shall be lawful for the Protector and Guardian of Slaves, or the owner or proprietor, or director of any Slave, on any application to be made to him or her, by such Slave, to bring, maintain, prosecute, and defend any suit or action, on behalf of any such Slave, in any Court of Justice in this Island Antigua, for or in respect of any property which may lawfully be held by such Slave, as fully and amply, to all intents and purposes, as may now by law be done by persons of free condition.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that for the better preserving the property of any such Slaves, Banks for Savings shall be established within the said Island Antigua, and interest at the rate of per cent. per annum, shall be allowed upon every sum deposited in any such bank; which interest shall be charged upon His Majesty's revenue within the said Island of Antigua.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that any Slave, making any deposit of money in any such Savings Bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid; and such declaration shall be recorded in a book to be kept for that purpose at the Savings Bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in the absence of any other will; and in case any Slave shall marry after making any such declaration, the marriage shall be taken to be a revocation of the declaration; and if any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of

his or her death, the property of the Slave shall be disposed of in favour of such persons as, by virtue of the statutes of distribution of intestate's estates, would, according to the law of England, be entitled to any such property.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that the Savings Banks throughout the Island shall be under the protection and control of the Protector and Guardian of Slaves; and the Governor of the Island shall have authority to appoint such proper officers, and make such necessary rules and regulations, as will be best adapted for managing the business of such Banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be there deposited; provided, that such regulations be not repugnant to this Act, and that the same be transmitted to England for His Majesty's approbation.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that no deposit of money shall, at any one time, or in any one week, be received at any Bank for Savings, from any Slave, exceeding the sum of in the whole, unless at the time of tendering such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous, at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the Protector of Slaves, upon application made to him for that purpose, shall issue a summons, requiring the owner or manager to appear before him at some particular time and place, and if the person being so cited shall not appear, or appearing, shall not lay before the Protector and Guardian of Slaves sufficient cause why the deposit should not be made, then such Protector and Guardian of Slaves shall issue an order, in writing, requiring the manager of the Savings Bank to receive the amount of the deposit, and the same shall be received by him accordingly.

And be it, and it is hereby enacted and ordained by the authority aforesaid, that in his half-yearly returns to the Governor, the Protector and Guardian of Slaves shall, amongst other things, state the amount of the sums of money deposited in any Savings Banks in the said Island Antigua, in the preceding half year.

Acquirement of Property by Slaves.

IT would appear that Slaves have, by immemorial usage, been permitted in Antigua to hold, and absolutely enjoy in their own right, property of a certain description; and have never been restricted by law from selling *any articles whatever under a ticket from the owners*, which it was always competent for an industrious and well disposed Negro to obtain. The usage alluded to will be found expressly recognized in the following enactments, viz.

By the 14th clause of the Act of the Leeward Islands, No. 36, already noticed in the Observations made on the Bill for the Protector of Slaves, " any white " or free coloured person taking away from a Slave *any article or thing what-* " *soever for which a ticket shall be produced from the owner or director, or* " *any stock, vegetables, provisions, grass, tops, voura, or any article or thing* " which such Slave shall be authorised, by any present or future existing laws, " usages, or customs of the Island, to sell or possess, or shall, after purchasing " them, refuse to pay for them, or otherwise injure or destroy such articles," shall be punished in the manner particularly expressed in the Act, which establishes a summary jurisdiction for the purpose by two justices (an easier remedy, it is submitted, to the Slave, if duly enforced, than the bringing or maintaining any action or suit at law regarding such property).

By the 4th clause of the Act of the Island of Antigua, No. 130, " Persons " dealing with Slaves for sugar, cotton, tobacco, or other goods, *without leave* " *from the owner or director*, are required to be bound over to the Sessions for " punishment." And by the Act No. 176, sect. 19th, it is declared, " That " if any person or persons whatsoever shall thereafter buy, barter, or truck for " or receive, by any means, of or from any Slave or Slaves, any sugar, cotton, " rum, molasses, ginger, and other goods or chattels (except only *logs of wood,* " *fire wood, crabs, fresh fish, dunghill fowls, kids, hogs, and ground provi-* " *sions of the produce of this Island)*, without leave given by the owner to such

" Slave to sell the same, such persons shall be guilty of a misdemeanour, and " punishable as is therein mentioned."

Slaves also stand, very properly, by law, precluded from owning or disposing of copper, lead, brass, or other articles generally used on estates, from the obvious temptation to plunder which would be afforded by a right to possess such articles. And by the Act of this Island, No. 649, commonly called the " Police Act," sections 12 and 13, Slaves are further restricted from selling sugar, rum, molasses, or sugar canes, and are required on working days to be furnished with a pass from the owner, declaring the articles entrusted for sale, or permitted to be disposed of by such Slave, with the particulars thereof. And, lastly,

By the Act of this Island, No. 176, sections 35 and 36, it is made " unlaw- " ful for Slaves to hold arms or gunpowder*; and a penalty of ten pounds, " lawful money of the Island, is imposed on any person selling, bartering, or " giving to any Slave, any fire arms, cutlass, or offensive weapon, except such " as are given for watching."

These Enactments, therefore, will be found to have already embraced several of the provisions intended to be introduced by His Majesty's Government.

* Subsequently extended to the sale of shot and flints by the 7th Section of Act, dated 5th July 1823.

ST. CHRISTOPHER.

No. 1.

My Lord, *St. Christopher's, 1st March* 1826.

I HAVE the honour to forward a copy of my Speech to the two branches of the Legislature of this Island at the opening of the present Session, their addresses, and my replies; and I have much pleasure in informing your Lordship, that a Bill for the Amelioration of the Slave Population has been introduced, read the first time, and ordered to be printed.

I have, &c.

(Signed) CHARLES WILLIAM MAXWELL.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

To His Honour the President and the Honourable the Members of Council.

To the Honourable the Speaker and the Members of the House of Assembly.

Mr. President, and Gentlemen of the Council,

Mr. Speaker, and Gentlemen of the Assembly,

THE deep interest which I take and must ever feel in the welfare of a Colony which, by the gracious pleasure of His Majesty, has for so long a period been confided to my administration, causes me to meet its Legislature upon the present occasion with no ordinary feelings of satisfaction.

These feelings arise from the hope which I entertain, that the season of depression which these valuable Colonies have so long and so patiently endured, has passed away; and from the measures which His Majesty's Government have matured and promulgated for the advancement of the best interests of this part of the Empire.

And here we are bound by a common tie of gratitude for the paternal solicitude of our Sovereign, in providing for our spiritual wants by the establishment of Episcopal jurisdiction; a measure which, by the election of a Prelate so eminent for his zeal and virtues, cannot fail, under the blessing of God, to produce the most beneficial results.

Nor is it to the spiritual interests of these Colonies that this solicitude has been confined; by wise and liberal regulations, the great distinction which marked the commercial policy of the parent country as affecting her Colonies, and the shackles which heretofore were placed on your commerce and navigation, are for ever broken.

I believe that I am the faithful echo of the public voice of this community, in the expectation that your deliberations, and the measures to be founded thereon, will correspond with the generous decisions that have been made in your favour; and that you will, in reference to the first point which I have brought under your consideration, give effect to the pious wish of our Bishop, by affording the means of instruction to the indigent male and female children of this Island; and by a law which will scarcely affect the public resources, you will rescue your Clergy from the degradation of trafficking with Colonial produce, which, with only one exception, they now receive as a provision for their respective stipends, and that you will give your assistance whenever it may tend to advance the great object of religious instruction and of our spiritual welfare.

In regard to the second point to which, as affecting your temporal interests, I have adverted, I am confident it is not necessary that I should ask for any

corresponding measure on your part, or that I should repeat the just expectation of His Majesty's Government, that such measures affecting the welfare of the Slave population of this Island, should be at once adopted.

I have only here to refer to the pledge which was so honourably given by the Authorities, which are now, I trust, for the public benefit vested in you; which pledge I proudly feel you will redeem.

I may not conceal the regret which I experience, that the performance of a promise—a promise placing this Colony so high in the public estimation, has been, from causes which I am aware do not in any respect affect its sincerity, so long delayed; and I only now discharge an imperious, but I believe a superfluous duty, in bringing the subject under your immediate notice.

(Signed) C. W. MAXWELL, Capt. Gen.

St. Christopher, January 19, 1826.

Reply from the House of Assembly.

To His Excellency Charles William Maxwell, Esquire, Companion of the most Honourable Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over the Islands of St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

May it please your Excellency,

IN reply to your communication, made at the opening of the present Session, to the House of Assembly, the Members of that branch of the Legislature beg leave to return their acknowledgments for those feelings of satisfaction which you have expressed at again meeting them.

The Assembly fully indulge with your Excellency the pleasing hope, that the clouds which have so long hovered over this portion of the Western Hemisphere, are passing away; though we must still admit that a very partial gleam of the general prosperity, which pervades the Mother Country, has as yet shone on this part of her possessions. The restrictions removed from our commerce may in time realize the anticipations which you have expressed; but we are still too much fettered with oppressive duties on our staple commodities to derive any considerable present benefit.

With reference to that part of your Excellency's Speech which treats of His Majesty's paternal solicitude as regards our spiritual welfare, we can entertain but an unmixed feeling of gratitude for the appointment of an Episcopal Establishment; and of a Prelate who appears, even from the brief knowledge we have of him, so well calculated to further the views of His Majesty's Government; and while we look forward with the deepest interest to the good that must result from his labours, and those of a zealous Clergy under his charge, in imparting religious instruction to our Slave Population, on a more extensive scale, we cannot refrain from auguring that much benefit must and will be acquired by the Colonies comprising his diocese, by his impartial and disinterested testimony; for his personal observations must enable him to refute those calumnious charges which are so profusely heaped upon us by a persecuting faction from the most base and self-interested motives.

We shall be most ready to co-operate with our worthy Prelate in as far as our means will permit in the improvement of our church establishments, the formation of schools, and diffusion of religious instruction:—We also concur in the expediency of an alteration as to the mode of provision hitherto adopted for the labours of the Clergy.

We admit in its fullest extent the imperious necessity that exists of redeeming the pledge already given as to the full and fair consideration of measures tending to the improvement of the Slave Population, and so far to ameliorate their condition, that they may gradually acquire those habits and principles which may enable them in time to obtain the station of a free peasantry. But whilst we make such admission, we must still remember that we have an equally imperious duty to perform, that of not losing sight of those land-marks of our own security and welfare, which are equally essential to the present and future well-being of the Slave and of the Master.

(Signed) W. WHARTON RAWLINS, Speaker.

Assembly Rooms, Feb. 6, 1826.

Reply from the Honourable the Board of Council.

To His Excellency Charles William Maxwell, Esquire, Companion of the most Honourable Military Order of the Bath, Colonel in the Army, Captain General, and Governor-in-Chief, in and over the Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

SIR,

WE the Members of Council return our cordial thanks to your Excellency for the Speech you addressed to us at the opening of the Session, and no less for the kind concern which your Excellency takes in the best interests of this Colony.

We trust that your Excellency's warm anticipations of the improving condition of these Colonies will be amply realized. We feel indeed the deepest gratitude for the solicitude which His Majesty's Government has expressed for the well-being of the inhabitants of this part of the dominion, both in the new modelling the commercial laws, and in establishing episcopal jurisdiction. We hope that the kind and liberal intentions manifested in the first-mentioned measure will produce to the Colonies all those beneficial results which we are convinced they were designed to convey. It is impossible to entertain the smallest doubt as to the salutary effect of the other measure to which your Excellency has adverted. It is not too much to say of it, that nothing could have been devised more eminently calculated to improve the moral and spiritual condition of all classes of persons in the Colonies, and thus to ensure their peace now, and their happiness in eternity; and we are confident that the learning, virtues, and zeal of the prelate chosen to preside over the church establishment, must render all our hopes and expectations on this important subject doubly sure. We encourage the hope that the deliberations and measures of the Board of Council will ever shew our feelings on these subjects, and that we shall consequently be ready at all times cordially to co-operate with the House of Assembly in any designs which may have the instruction of all classes of the rising generation, the more respectable provision for the clergy, and the general advancement of the cause of our holy religion for their object. We have long felt the serious disadvantages of the present mode of remunerating the clergy for their spiritual labours, and we are ready to join in proper measures for amending this objectionable part of our institutions.

We are about to enter immediately into the discussion of the important subject to which your Excellency so strongly calls our attention, with a sincere disposition to go as far in the proposed alterations as a due regard to the safety of our establishment will permit; and we anxiously hope the result may be satisfactory to His Majesty's Government.

(Signed) STEDMAN RAWLINS, President.
JOHN WOODLEY.
JAMES DAVOREN.
R. W. PICKWOOD.
ISAAC DUPREY.

Council Chamber, February 17th 1826.

No. 2.

SIR, *Downing Street, 19th March* 1826.

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of St. Christopher's some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and on the other, secure to the owner, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission. In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable for taking all these several measures into their consideration.

Since that time you have renewed your representations, but I am not informed that the Committee to which the subject had been referred, had made any progress, and your expectations of a favourable issue appear to have ceased.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of St. Christopher's.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of St. Christopher's on the establishment of a system, both for the improvement of the condition of the Slave population, and for providing for the manumission of Slaves or of their families, on a principle of equitable appraisement; which system will have fully carried into effect the Resolutions of the two Houses of Parliament. Nothing will then remain, but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population; the means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the Constitution and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed) BATHURST.

Governor Maxwell, C. B.
&c. &c. &c

No. 3.

SIR, *Downing Street, 21st May* 1826.

IN my despatch to you dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council classed under separate heads.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent Enactments. *Vide* Bahamas.

These enclosures relate to the eight following subjects :—First, The office of Protector and Guardian of Slaves.—Secondly, The admission of the Evidence of Slaves in Civil and Criminal Cases.—Thirdly, The Manumission of Slaves.—Fourthly, The Intermarriage of Slaves.—Fifthly, The Observance of Sunday, and the Abolition of Public Markets on that day.—Sixthly, The Acquisition of property by Slaves, and the Establishment of Savings Banks for the better protection of it.—Seventhly, The Separation of Families under Judicial Process.—And, Eighthly, The Punishment of Slaves, with the Record to be kept of such punishments, when inflicted by the authority of the Owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the Law are regarded as of primary and essential importance. Presented to Parliament Session 1826.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in St. Christopher; I am aware also, that upon some of the topics comprised in these papers the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing Laws of the Island, and that without a very intimate and practical acquaintance with those Laws, it may perhaps not be possible safely to frame new legislative provisions on the same, or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of St. Christopher may effectually embody these principles, and give effect to those intentions, however much such Laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills, as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing Laws of the Colony, in which the same, or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed Laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford

no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantages to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session, you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases, where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of St. Christopher, fully carrying into effect the spirit of the various provisions, which by His commands, I have now the honour to transmit to you.

I have, &c.

Governor Maxwell, C. B. (Signed) BATHURST.
&c. &c. &c.

No. 4.

Extract of a Despatch from Governor Maxwell to Earl Bathurst, dated Government-House, St. Christopher, 7th Oct. 1826.

I HAVE the honour to acquaint your Lordship, that in consequence of Mr. Woodley, the Attorney General, having suggested to me the possibility that an impediment might arise in the Assembly proceeding to take the Bill for the appointment of a Guardian of Slaves into consideration, as that measure had been already rejected by the House of Assembly, and as it was not usual to renew such measure in the same Session of Parliament, he advised me to exercise the prerogative entrusted to me by His Majesty to dissolve the Assembly, and issue writs for electing a new House. This has been carried into effect; and I have the honour to enclose copies of my speech to the Legislature on meeting it; and of the Addresses from both branches, with my replies. I have great gratification in drawing your Lordship's attention to the Address from the Council, and I have equal pleasure in assuring your Lordship, that I am fully persuaded of the earnest inclination of that Board to fulfil the wishes of His Majesty's Government; and it is with considerable regret that I cannot have the same satisfaction in submitting that from the House of Assembly, the tendency of which Address appears to be unfavourable to the true interests of the constituents.

Mr. Attorney General Woodley has prepared four Bills from the heads of those transmitted by your Lordship, and they have been introduced into the House of Assembly by Mr. Smith, one of the King's Council. The first, that for the appointment of a Guardian or Protector of Slaves on the 15th ultimo; and on the 6th instant, the three following were read the first time, and ordered to be read the second time on the next meeting, which will be the 20th instant; second, An Act for the suppression of public markets on Sunday, and for preventing Slaves being compelled to labour on that day; third, An Act to enable Slaves to acquire, hold, and dispose of property, and to make provision for the safe keeping of such property, by the establishment of Banks for Savings;

also to regulate the admission of the evidence of Slaves in the Courts of Justice in St. Christopher; for regulating the celebration of Marriages amongst Slaves, and for declaring such Marriages valid and effectual in law; and to prevent the separation of Slaves, being members of the same family, by virtue of any legal process; fourth, An Act for preventing abuses in the punishment of Slaves, whether such punishment is inflicted in due course of law, or by the authority of the master; also to regulate the proceedings for the manumission of Slaves, and to enable Slaves under certain restrictions to purchase their own freedom.

These Bills are ordered to be printed for the information of the Members of the Legislature; from what I can learn of their opinion, and that of other persons in the community, it appears that the greatest objection will be to the appointment of the Guardian of Slaves, which I much regret, as I feel convinced that without some provision of the kind, the Slaves will not have the protection and support to which their forlorn situation so justly entitles them.

To his Honour the President and the Honourable the Members of His Majesty's Council.

To the Honourable the Speaker and Gentlemen of the House of Assembly.

Gentlemen,

I HAVE, with the advice of my Privy Council, exercised the prerogative of the Crown in issuing writs for the election of a House of Assembly for this Island, in order that the public voice should be expressed, as far as may be, upon the important subject which I shall more immediately press upon your attention, as requiring your earliest deliberation; and in order that you may proceed to that deliberation unfettered with any difficulties, either formal or substantial, that might have prevented the question being met solely on its intrinsic merits. The subject to which I advert, is the several measures which His Majesty's Government recommends for the amelioration of the Slave population. You are officially in possession of the solemn pledge given by that Government, that these measures shall be adopted; and you are aware, even if there could be a doubt, of the firm determination of those to whom this subject is confided, to accomplish that which they have undertaken, and that the Parliament, supported by the universal voice of the nation, will see that pledge redeemed.

It is highly honourable to this Colony, and gratifying to all interested in its character and welfare, that so much has been done for the benefit of the Slave; and I trust, that on approaching the important subject with calm consideration, and those sound views of policy which are so indispensibly requisite on this important occasion, you will cheerfully adopt those measures held to be so essential to the welfare of the Slave; which will be found in no respect to injure the interest of the master, but on the contrary, by raising this degraded class in the moral scale of the creation, it will become a more orderly, intelligent, and more valuable fund of labour.

Experiencing daily inconvenience from the impossibility of consulting a copy of the Colonial Laws, I regret it is my duty again to urge you to mature the plan which has been so long suggested for their publication; and I deplore that any thing has been allowed to delay the execution of the assurances which have been so repeatedly given on this subject.

Mr. Speaker, and Gentlemen of the Assembly,

The attention which has been so beneficially bestowed by your Honourable House on the finances of the country, satifies me, that every thing in this respect will be done by you, which the public credit, and consequently the public interest demands.

Mr. President, and the Honourable the Members of His Majesty's Council,
Mr. Speaker, and Gentlemen of the Assembly,

The uninterrupted harmony so happily subsisting between the executive and legislative authorities, is a source of high consolation to me, as evidence that my administration has had the public welfare for its object, and that your views have been the same: I therefore find myself united to this community by no ordinary ties; and should I be permitted to witness your returning prosperity, be assured, I shall consider it an advancement of my own.

(Signed) C. W. MAXWELL, Captain General.

St. Christopher's, 5th September 1826.

To his Excellency Charles William Maxwell, Esquire, Companion of the Most Honourable and Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c. &c.

SIR,

WE the Members of His Majesty's Council of Saint Christopher, beg leave to offer to your Excellency our thanks for the measures you have taken to bring to the early consideration of the legislature the important subject of the Bills recommended by His Majesty's Government to be passed for the melioration of the condition of the Slave population.

We assure your Excellency, that we entertain a very sincere disposition to promote the welfare of the Slaves, and that we will enter upon the consideration of the measures about to be proposed with every desire to comply, as far as we can with safety, with the recommendation of the Government and the wishes of Parliament.

Your Excellency's observations respecting the want of printed copies of the laws, shall meet our early attention.

It is matter of great satisfaction to us, that your Excellency so highly appreciates the harmony which exists between the executive and legislative authorities. We entirely agree with you in the inference drawn from that gratifying circumstance; and we feel most sensibly, and return our warmest acknowledgments for the kind interest you take in our concerns.

(Signed) STEDMAN RAWLINS, President.
JOHN WOODLEY,
J. DAVOREN.
DANIEL GATEWARD DAVIS.
G. O'MALEY.

Council Chamber, 15th September 1826.

Governor Maxwell's Reply.

To his Honour the President and the Honourable the Members of His Majesty's Council.

GENTLEMEN,

I BEG leave to express to you my perfect reliance on the assurance of your sincere disposition to promote the welfare of the Slaves, and that you will give the proposed measure for the amelioration of their condition your cordial and sincere support.

It is highly gratifying to me, to be assured by your Honourable Board, that I have properly estimated the harmony which exists between the executive and legislative authorities, and I receive with unfeigned gratification your very obliging acknowledgment of the anxiety I have, and always shall feel for the prosperity and happiness of this Colony.

(Signed) CHARLES WM. MAXWELL, Captain General.

St. Christopher's, 6th October 1826.

To His Excellency Charles William Maxwell, Esquire, Companion of the Most Honourable Military Order of the Bath, Colonel in the Army, Captain General and Governor-in-Chief in and over the Islands of St. Christopher, Nevis, Anguilla, and the Virgin Islands, Chancellor, Vice-Admiral, and Ordinary of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the Members of the Assembly of St. Christopher, take leave to thank your Excellency for the Speech which you were pleased to deliver to the Legislature at the opening of the present Session.

We duly appreciate the truly constitutional mode adopted by your Excellency, in dissolving the last and convening the present Assembly, for the purpose of ascertaining the expression of the public voice upon the vitally important matters relating to the protection and government of the Slave population, and adverted to by your Excellency, as being about to be submitted to our consideration.

It was with considerable pain and regret, that this House was attracted to that part of your Excellency's address which designates the Slave population generally as "a degraded class in the moral scale of Creation;" an observation often repeated by the enemies of the Colonies, and imputed to the tyrannical acts of the master, and as often clearly refuted.

The House of Assembly would willingly have permitted this incidental expression to pass unnoticed, as they fully believe it could not have been contemplated by your Excellency, that it would have the effect of furnishing the inveterate faction in the Mother Country, with an unfounded and absurd reproach, that the Slave population are a degraded class in the scale of Creation, arising from the cupidity and tyrannical conduct of their masters. We appeal, and appeal with confidence too, to every impartial mind that may be acquainted with the subject, for its absolute and complete contradiction.

We agree with your Excellency, that it is highly expedient, that the laws of the Island should be in a state of immediate and convenient access to every person interested in them; and when the contemplated measure of revising the old, and enacting new laws for the protection and government of the Slaves (which will comprise the most important feature in the code) shall have been concluded, our best attention shall be given to this important object.

Our earliest consideration will necessarily be directed to the state of the public finances, and while a due regard is had to the just interests of the public servant, and due respect for the engagements with the public creditor, a system of the most rigid economy must prevail, in order that the expenditure may not exceed the income, and thereby render any addition of taxation on the community unnecessary.

We cannot conclude without assuring your Excellency, that the House will, at all times, be much gratified to find that an uninterrupted harmony of action and feeling shall subsist between the legislative and executive branches of this Government; and that no effort of this branch of the legislative shall be wanting that can tend to so beneficial and desirable a result, consistent with the paramount duty they owe to the protection of interests and welfare of their constituents.

(Signed) WILLIAM WHARTON RAWLINS, Speaker.

Assembly Room, 15th September 1826.

Governor Maxwell's Reply.

To the Honourable the Speaker and Members of the House of Assembly.

GENTLEMEN,

I AM happy to find you approve of the convening a new House of Assembly, for the purpose of considering the important matters relating to the Slave population, which His Majesty's Government has directed to be laid before you.

I regret exceedingly that you should have felt it necessary to animadvert upon an expression in my Speech; it certainly was not contemplated by me, and I beg to be allowed to say, that I do not now feel that it can be perverted to the ill-purposes, which you apprehend.

I trust the important measures I have submitted to your serious deliberation, will meet with your immediate attention, and that you will afford your cordial co-operation in fulfilling the urgent and repeated expectations of His Majesty's Government on this subject.

(Signed) CHARLES WILLIAM MAXWELL.

St. Christopher, 6th October 1826.

No. 5.

Government House, St Christopher's,

My Lord, *7th October* 1826.

I HAVE already had the honour to apprise your Lordship that the Slave Amelioration Bills for Nevis, were given to Mr. Solicitor-General Forbes, to prepare and introduce into the House of Assembly, that gentleman had fulfilled the duty of framing them, when he was attacked with a violent and dangerous illness, which I am apprehensive will prevent his ever again attending to public business, and has obliged him to return to England; these important Bills have been transferred to the management of Mr. Peterson, the senior King's Council, and a Member of the House of Assembly at Nevis, who introduced them on the 23d ultimo, and they were read the first time; there appears to have been some discussion on the period of their being read a second time, which was at length ordered to be done in six weeks; during this period, I hope those Members who are inimical to the most material provisions of the Bills will form a more favourable opinion of them.

I have, &c.

(Signed) C. W. MAXWELL.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 6.

Sir, *Downing Street, 16th November* 1826.

I HAVE received your despatch of the 7th ultimo, No. 47, in which you inform me, that the Attorney-General had prepared *four* Slave Bills from the heads of those transmitted by me, and that they had been introduced into the Assembly. It appears that in these four Bills are comprised the measures which by me were distributed into eight; that the third contains the provisions respecting property, evidence, marriage and the separation of families; the fourth, those respecting punishments and manumissions; which six distinct and independent subjects are thus associated in two Bills. I have, therefore, to call your attention to the following instructions contained in my despatch of the 19th March last:

"On the receipt of this communication, you will take the proper steps for "having Bills drawn up for carrying these measures *severally into effect*, in "such manner as may be most conformable to the existing Laws of St. Chris- "topher. When these Bills shall have been duly prepared, you will cause "them to be brought under the consideration of the Assembly, *so that the* "*Assembly may have them separately before them.*"

And I am to request that you will explain in what manner, under the distribution above recited, you propose to obtain the important object which these instructions, thus specially directed, should be carefully kept in view, namely, that of securing a separate consideration of the several Bills and respective decisions.

I have, &c.

(Signed) BATHURST.

Governor Maxwell, C. B.
&c. &c. &c.

NEVIS.

No. 1.

Extract from a Letter from James Colquhoun, Esq. Colonial Agent for Nevis, to Earl Bathurst, dated 1st September 1826.

"AS the enclosed Bill, although not signed by the Governor, has been passed by the Council and Assembly, and officially signed by the Speaker and Clerk of the Assembly, and by the Clerk of the Council, I take the liberty to transmit it to your Lordship, in the hope that it may be presented to Parliament, should any untoward circumstance prevent the receipt in due time, of the Bills intended to supersede it."

NEVIS.

An Act to legalize the Marriages of Slaves in the Island of Nevis, to declare their property secured to them by Law; to render them competent witnesses under certain restrictions; to regulate proceedings at Law respecting them in Civil and Criminal cases; and further to ameliorate their condition.

Preamble.

WHEREAS the two branches of the Legislature of this your Majesty's Island of Nevis, have for some time past had under their most serious and anxious consideration the recommendation of your Majesty's Government relating to the Slave population, and more especially your Majesty's Royal Order in Council for improving the condition of the Slaves in Trinidad, and after having examined and viewed the subject in all its bearings, are humbly but firmly of opinion, that the pre-existing Laws of this Island may, by means of certain alterations and amendments, be rendered fully adequate to all the objects of those recommendations and of the said Order in Council, which can be pursued with due regard to the civil existence and welfare of these Colonies: Wherefore, and for the prudent and cautious attainment of those objects, may it please your Most Excellent Majesty, That it may be enacted, and be it and it is hereby enacted, by his Excellency the Captain General and Governor-in-Chief of your Majesty's Islands of Saint Christopher, Nevis, Anguilla, and the Virgin Islands, and the Council and Assembly of this Island of Nevis, and by the authority of the same, that from and after the expiration of three calendar months from the publication of this Act, and until Sunday markets may by Law be wholly abolished, in consequence of the improved condition of the Slave population in religion and morals, the markets holden on Sundays throughout the said Island shall be limited to the hour of eleven in the forenoon, and that the ringing of the usual ten o'clock church bell in the several parishes of this Island, or of any other bell or bells established or to be established for this purpose by the vestries of the said parishes respectively, shall be sufficient warning to all persons to prepare to depart from the said markets, and for all marketing to cease; and that from and after the hour of eleven of the clock on the Lord's day, if any person or persons whosoever shall publicly shew forth or expose to sale any article or articles whatsoever in any of the said markets, such article or articles shall and may be seized by any constable or other peace officer, and shall be forfeited and disposed of, either in part or in the whole, at the discretion of any Magistrate before whom the matter may be brought, after conviction of the offender, upon confession or by the oath of one credible witness, such offender having been duly summoned to answer for such offence; and in case the offender be a white or free person, such person shall moreover, on conviction as aforesaid, be fined in any sum not exceeding five pounds, or be imprisoned in the common gaol for any time not exceeding five days; and that a verbal summons of the party offending, by the constable or other peace officer,

Royal Order in Council, for improving the condition of Slaves in Trinidad, and recommendation of His Majesty's Government, relating to the Slave population, cited; and the pre-existing Laws of this Island, with certain alterations and amendments, alleged to be susceptible of being made adequate to the objects thereof.

Clause I.
Sunday markets partially abolished after the expiration of three calendar months from publication of Act, and to cease at eleven o'clock in the forenoon of the Lord's day.

Articles exposed to sale after that hour forfeited.

Penalty of £5 on party offending, if a white or free person.

to appear before any Magistrate on the Monday following, shall be deemed and taken to be a sufficient summons.

2. After the expiration of three calendar months from publication of Act, no shop, &c. to be open for sale of articles, nor spirituous liquors, &c. sold during the Sabbath day. Penalty of £5, not more than £10.

Proviso. Not to extend to any tavern, &c. nor to carrying or crying about for sale (except during the time of Divine Service) butcher's meat, or fresh fish.

And be it enacted by the authority aforesaid, that from and after the expiration of three calendar months from the passing and publishing of this Act, no shop for the sale of any article whatever, nor any grog shop, punch house, or place where any kind of strong or spirituous liquors shall be sold, or kept for sale, shall be open during the Sabbath Day; nor shall any strong or spirituous liquor be sold, or distributed, or exposed for sale by any person whatever, under the penalty of not less than five pounds, or more than ten pounds, to be levied as hereinafter is directed. Provided nevertheless, that nothing in this, nor in the last preceding clause contained, shall extend, or be deemed or taken to extend, to any tavern, hotel, or boarding house, nor to any baker, nor to the preventing of butcher's meat and fresh fish from being carried or cried about for sale on the Lord's Day, except during the hours for Divine Service of the established parish church.

3. Marriages between Slaves, or between a Slave and a free person, declared to be lawful, but with previous consent in writing of Slave's owner, &c.

In case of refusal of consent, how to proceed.

Ordinary to determine the matter, and any Minister of the Established Church to solemnize the marriage, upon Ordinary's licence, after publication of banns.

Proviso. As to the effect of marriage of Slaves upon the rights of the owner, and not to extend the civil rights of marriage to the parties to such marriages.

And be it enacted by the authority aforesaid, that if any Slave or Slaves hereafter shall be desirous of entering into the holy state of matrimony with any other Slave, or with any free person, it is hereby declared to be lawful for him, her, or them so to do. Provided always, that such Slave or Slaves shall first obtain and produce the consent in writing of his, her, or their owner, lawful possessor, manager, or director, to the celebration of the intended marriage; but in case the owner, lawful possessor, manager, or director of any such Slave, shall refuse to give his or her consent as aforesaid, then, and in such case, it shall and may be lawful for such Slave or Slaves to represent the same to the ordinary, or the deputed ordinary of this Island for the time being, and such ordinary or deputed ordinary is hereby authorised and required to summon before him such owner, lawful possessor, manager, or director, so refusing as aforesaid; and if thereupon such owner, lawful possessor, manager, or director, shall fail to appear, or appearing, shall not show just and reasonable cause for withholding his or her consent, then, and in every such case the said ordinary or deputed ordinary shall grant a licence, under his hand and seal, thereby authorising any minister of the Established Church of the United Kingdom of Great Britain and Ireland, to solemnize such marriage, after publication of banns, in the same form, mode, and manner, as he would do if the parties were of free condition. Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, in any manner whatsoever, by means or by reason of any intermarriage with a Slave, or between Slaves, to take away, alter, or annul any right, title, or property, which the owner or master of such Slave or Slaves might or could have in or to them, or either of them, or in or to their issue, by any law or custom of this Island heretofore established, or give any authority to the husband over the wife or her children, nor endow the wife with any property of the husband, nor to give any rights whatsoever, except those of a religious nature, nor to render any such marriage valid or effectual, which would be illegal or void if such person were of free condition.

4. No marriage, where a Slave is a party, to be valid, unless solemnized by a Minister of the Established Church.

Penalty of £50, or imprisonment not exceeding thirty days, on other persons pretending to celebrate such marriage; and marriage null and void.

And be it further enacted, that no marriage from henceforth to be celebrated within this Island, wherein a Slave shall be a party, shall be legal or valid, or be deemed or taken so to be, unless the same shall be solemnized by a minister of the Established Church of the United Kingdom of Great Britain and Ireland. And if any person or persons shall illegally celebrate, or pretend to celebrate, such marriage, contrary to the true intent and meaning of this Act, he or they shall be liable to be prosecuted for a misdemeanor, by indictment or information in the Court of King's Bench and Common Pleas of this Island, and, upon conviction, to be punished by fine, not exceeding fifty pounds, or imprisonment not exceeding thirty days, at the discretion of the Court, as for an offence against this Act; and every such last mentioned marriage shall be null and void, and of none effect in law.

5. Slaves competent to purchase, acquire, possess, &c. any kind of property, except real estates, slaves, boats, and vessels, &c. and to dispose thereof by sale, gift, or bequest.

And whereas Slaves in this Island have always been, by the custom of the Island, allowed to possess and dispose of property at their discretion, and it is expedient that such possession and power to dispose of property, and to bequeath the same, be declared and established by law; Be it therefore enacted and declared, that every Slave in this Island shall be competent to purchase, acquire, possess, hold, and enjoy, any kind of property whatsoever, save and except real estate, Slaves, and boats or vessels of any description, and may dispose of the

same either by sale, gift, or bequest; and if any Slave, possessed of or entitled to any such property in this Island, as Slaves are hereby declared competent to acquire and hold, shall happen to die intestate, the property of such intestate Slave shall go and be divided, according to the statutes of distribution.

In cases of intestacy property to go and be divided according to Statutes of Distribution.

And be it further enacted, that from and after the passing and publishing of this Act all the property belonging to any Slave or Slaves in this Island, and all and singular the rights in respect thereof shall be vested, and the same is and are hereby declared to be vested in the owner of such Slave or Slaves, for the sole purpose nevertheless of bringing or defending suits, or instituting or carrying on proceedings at law or in equity for the same, if need be, for the benefit of such Slave or Slaves.

6. Property, &c. of Slaves, vested in their owners, for sole purpose of protecting and defending same, either at Law or in Equity, for benefit of the Slave.

And whereas it is expedient, that a Saving Bank be established in this Island: Be it, and it is hereby further enacted, that a Saving Bank shall be established in Charles Town, to be holden by the Treasurer of this Island or his Deputy at the usual place of his office, and that he shall open a book, to be called a Saving Bank Book for the purpose of making entries therein, as hereinafter directed, and that it shall be lawful for every Slave or other person of serving condition, although free, to pay into such Bank any sum or sums of money not exceeding at any one time the sum of ten pounds current money, nor less than the sum of one pound like money, which the said Treasurer or his Deputy is hereby required to receive, and to enter the same in the said book, together with the name of the person paying and the date of such payment, and which sum so paid shall be chargeable with the interest at six per centum per annum, and at such rate for a less time on the public funds of this Island.

7. Saving Banks established, to be holden by Treasurer of Island in Charles Town.

Payments at one time not to exceed £10, nor be less than £1.

Interest 6 per cent. per annum, and how secured.

And be it further enacted, that the said Treasurer is hereby authorized and required whenever he shall be called upon by any person having paid in any money as aforesaid, or by the executors, administrators, or lawful representative or assignee, to make out the amount of such person's money at the rate of six per centum per annum, and that in all cases, when such sum shall have remained twelve months in the public treasury, the interest shall and may be added to the principal, and become thereby principal, and so on for every year such sum may remain; and after making out such account, the said Treasurer or his Deputy shall pay such person the balance due to him, and take his receipt in the said book at the foot of his account, which shall be a discharge for the sum paid by the said Treasurer.

8. Treasurer to account for money paid in when required.

Interest to be added to principal, and the sum become principal.

And be it further enacted, that the Council and Assembly for the time being, shall be, and they are hereby constituted Directors of the said Bank, and that they shall have power and authority to make such rules and regulations respecting the said Saving Bank as they shall deem best adapted to carry the same into effect, and that once at the least, on the first day of June in each year, the Treasurer or his Deputy shall make up all accounts of persons in the said book, and shall exhibit and leave with the Speaker of the Assembly for the time being a true copy of the said book in which he hath entered as aforesaid, the names, dates, and sums paid in, and kept the accounts of the said persons paying; and the Speaker and Council, or a Committee of the same shall examine the said book and accounts, and if right shall certify the same by their Chairman; and if otherwise, shall and may examine the Treasurer or his Deputy or any other person or persons as witness on oath, and make such order as they shall deem just, which the Treasurer is hereby directed to obey, under the penalty of one hundred pounds, to be recovered, with the full costs of suit, by action of debt in the name of His Majesty, in which no essoin nor more than one imparlance shall be allowed, and which penalty shall and may be sued for by any Crown Officer, and when recovered, shall be paid to the Treasurer in aid of the said Saving Bank, after paying thereout the taxed costs of suit.

9. The Council and Assembly for time being Directors.

Regulations.

And be it further enacted, that the said Treasurer be hereby allowed and be permitted to deduct from any money in his hands at and after the rate of two pounds per centum per annum, upon all monies paid into his hands towards the said Saving Bank as a compensation for his services, and that no other fees or compensation whatsoever be allowed to him, or may be received or taken, under penalty of fifty pounds, to be recovered, with full costs of suit, and to be paid as aforesaid.

10. Treasurer to be allowed 2 per cent. per annum upon sums paid in, for his trouble; under £50 penalty for exacting more.

And be it further enacted, that if any person or persons shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully aid or

11. Forging or counterfeiting, &c. any letter of attorney, &c. to re

ceive money, &c. from Treasurer, &c. felony without Benefit of Clergy.

assist in the forging, counterfeiting, or obtaining any letter of attorney or other authority or instrument, or letter of administration, or probate, or will, or bill, note, or instrument whereby any monies payable by the Treasurer under this Act may be receivable or with any intent to receive the same, or to enable any other person to receive the same, any such person shall be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly.

12. Monies in Saving Bank belonging to Slaves dying intestate, chattels, & subject to Statutes of Distribution.

And be it further enacted, that all monies in the said Saving Bank, belonging to Slaves who shall die intestate, shall be considered personal estate, and shall go and be distributed according to the Statutes of Distribution.

13. Slaves, or other persons in their behalf, allowed to purchase their freedom.

And whereas it would be a manifest violation of justice, by legislative enactment, to compel any person to sell any property against his consent, without some legal necessity, while it is consonant to sound policy, and to the feelings of humanity, to reward faithful servants in a state of bondage with facility of emancipation upon just and reasonable terms, in difficult or doubtful cases, it is therefore hereby further enacted, that in case any faithful or well-disposed Slave of or belonging to this Island, or any person on his or her behalf, shall hereafter be desirous of purchasing his or her freedom, and it shall so happen that the owner of such Slave, or other person having the lawful power of manumitting, shall object to selling his or her freedom, or that such Slave, or person in his or her behalf, and the owner or other person having the lawful power of manumitting, shall not agree about the consideration for the manumission of such Slave, or on the terms, mode, or manner thereof, or the owner of such Slave shall be a minor, or married woman, or idiot, or lunatic, or be under any legal or other disability, or shall be absent from this Island without a lawful and authorised representative here, or shall not be found or ascertained, or any suit or action shall be depending in any court, either in this Island or elsewhere, touching the right or title to such Slave, then and in every such case it shall be lawful for any such Slave, or person on his or her behalf, to apply to and represent the same to any Magistrate, who shall, within ten days after such application, exhibit a statement of the case before the Chief Justice of this Island, or, in his absence or inability, to the next assistant Justice present, or before the presiding Magistrate of the Court of Sessions, who are hereby authorised and required respectively, at the next Court of King's Bench and Common Pleas, or then holding of the Court of Sessions, to lay the whole case in a summary way before a jury, which shall be empanelled and sworn to try the said case; and the said jury shall be competent, and is hereby enjoined to determine all matters and points in difference between the parties; and after hearing the evidence on both sides, and being satisfied that such application by or on the part of the Slave was not promoted by any malicious, base, immoral, or unworthy motive or design, shall give a verdict for or against either party, according to the evidence; and if such verdict shall be in favour of the Slave, it shall express if such Slave be likely or not to become chargeable to any parish of this Island, by reason of youth, old age, or any disease or infirmity, and also such sum of money as the said jury shall deem to be an equivalent for the loss of the services of such Slave, in consequence of his or her manumission; which decision shall be final, except in the cases hereinafter expressly declared to be excepted.

In cases of disagreement thereon between Slave and owner, &c. legal disabilities, and other difficulties, how to proceed.

Application by Slave, &c. to Magistrate.

Statement of case to be exhibited to Chief Justice, or presiding Magistrate, at Court of Sessions, and by him laid before a Jury, to be impannelled to try the same. — Verdict final.

14. Verdict in favour of Slave, money to be paid to Treasurer.— Deed of manumission to be executed by him, and the regulations prescribed by Act 54 Geo. III. No. 271, and the requisitions of this Act conformed to within ten days, else verdict and proceedings null and void.

And be it further enacted, that within ten days after the giving of such verdict as aforesaid in favour of the Slave, if he or she shall be thereby found to be likely to become chargeable to any parish of this Island, such bond as is required previously to manumission in such cases in and by an Act of this Island, made and passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, "An Act to repeal an Act, intituled, An Act to regulate the Manumission of Slaves," shall be delivered by the said Slave at his or her expence, or by some person in his or her behalf, duly executed, to the Treasurer of this Island, or his lawful Deputy, and the sum of money awarded by the said verdict in any case, paid into his hands; and the said treasurer, or his lawful deputy, is hereby required to receive such bond and sum of money, or sum of money only, as the case may be, and thereupon to execute, when called upon, a deed of manumission, according to the form in the schedule to this Act contained, and deliver the same to the Slave, or to the Magistrate, or other person acting on his or her behalf, which deed shall be proved and recorded, and the bond disposed of as in ordinary cases of manumission; where-

upon such Slave shall be reputed and taken, and is hereby declared to be, from the time of the execution of such deed, free, to all intents, constructions, and purposes whatever. Provided always, nevertheless, and it is hereby expressly declared, that if the requisitions hereinbefore prescribed shall not be duly conformed to by or on the part or behalf of such Slave, within the time hereinbefore limited, such verdict and proceedings shall be absolutely null and void, and of no effect, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

15. Monies received by Treasurer to be paid over, on demand, to owner, &c. of Slave, in case of doubt of title, to remain in his hands, subject to same lien, &c. as Slaves, and to be paid to person shewing right and title to receive the same.

And be it further enacted, by the authority aforesaid, that every sum of money which shall be received by the Treasurer of this Island, or his lawful Deputy, as herein before directed for the manumission of Slaves, shall be paid over by him on demand to the owner or other person who had the lawful power of manumitting such Slave; but in case the owner or other person who had the lawful power of manumitting shall refuse or neglect to demand or to receive the same, or in cases of doubt of title to the Slave, disability, or other difficulties hereinbefore mentioned, then, and in every such case respectively, every such sum of money shall remain in the public Treasury for the use of the Island, and shall be a lien upon the public revenues of the same, and bear interest at and after the rate of six pounds per centum per annum, for the benefit of the person or persons, or his, her, or their heirs, executors, administrators, or assigns, who may have been legally or equitably entitled thereto, or to the Slave so manumitted as aforesaid, and shall be under and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands whatever, as such Slave would have been under or subject unto if he or she had never been manumitted; and shall, together with the interest accrued thereon, in every case respectively, be paid over by the said Treasurer or his lawful Deputy to such person as shall produce to him any authentic voucher in writing or a judgment of a Court of Law, or decree in equity, or an exemplification or office copy thereof, shewing him or her to be entitled to receive such money.

16. Cart whip abolished.

And be it further enacted, that it shall be henceforth utterly unlawful to carry, use, exercise, or employ the whip, commonly called the cart whip, either as an emblem of authority, or as an instrument of punishment, or of driving or coercing of Slaves to their labour, and the same is hereby abolished; but nothing herein contained shall extend or be construed to extend to prevent any master, owner, manager, or director of Slaves within this Island from permitting, or causing to be carried and exercised or employed, such emblem of authority, and moderate and innoxious means of stimulating the idle or the lazy to due exertion, as he in his discretion may think fit, so as that such emblem of authority, or means of stimulating exertion, be not repugnant to the rational and acknowledged principles of humanity.

17. Indecent exposure of the persons of female Slaves for punishment prohibited; but whipping them retained, under restrictions.

No female Slave to be punished by whipping beyond twenty stripes over bare back and shoulders, nor with any instrument more severe than a bunch of rods, on pain of fine or imprisonment, or both, for every offence.

And whereas it is necessary to prevent the indecent exposure of the persons of female Slaves for punishment, but as the exemption of this description of Slaves altogether from whipping, and just but seasonable corporal punishment in cases of insubordination, disobedience, violent obstinacy, insolence, or other refractory or atrocious misconduct, would lead to the subversion of all order and discipline; and although cruel and wanton maltreatment are sufficiently guarded against or are properly punishable by the law already in force, yet, for the more effectual prevention thereof, be it further enacted, that the unnecessary or indecent exposure of the persons of female Slaves for punishment, be hereby strictly prohibited and abolished, and that in future no female Slave shall be corporally punished by whipping beyond twenty stripes over the bare back and shoulders at any one time, and by any instrument more severe than a bunch of rods, in such cases only and in such manner as now allowed by law, upon pain of fine or imprisonment, or both, for each and every offence upon conviction of the offender, as hereinafter mentioned.

18. Separation of Slaves, being husband and wife, belonging to same owner, and living on same plantation, &c.; or children under fourteen years, from parents, without consent, except for freedom, and on levy and sale on execu-

And whereas the hardships or inconveniencies imputable to the separation of the families of Slaves in large Colonies, by sale or transfer in this small Island can scarcely arise, yet, in order to prevent the possibility of such occurrence, be it enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, it shall not be lawful to separate, for the purposes aforesaid, any Slaves, being husband and wife, and belonging to one and the same owner, and living upon one and the same plantation or establishment, nor any child or children, or reputed child or children, under the age of

tions, prohibited. Any sale, &c. contrary to Act, void.

fourteen years, from the father or mother, under like circumstances, unless it be with the free will and consent of the parent or parents, or of such husband and wife respectively, or for the sole purpose of freedom, whether the same be by means of private transfer, public contract, or otherwise, save and except on levy and sale on executions; but that such Slaves shall, unless with such free will and consent as aforesaid, be transferred, contracted for, or sold together; and every transfer, contract, or sale made contrary to the true intent and meaning of this Act, shall be absolutely null and void.

19 Slaves declared competent witnesses, as free persons, under restrictions.

And be it further enacted, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of civil or criminal justice or otherwise, in the said Island, by reason of his or her being in a state of slavery; but the testimony of such person shall be taken and received in the same form and manner, and subject to the same rules and exceptions, as the evidence of a person of free condition would be, or by law ought to be; Provided always, that in the case of a white or free person, no Slave shall be admitted or be competent to give evidence of or relating to any matter or thing concerning a white or free person, antecedent to the passing and publishing of this Act, nor in any case whatsoever, either for or against the master, mistress, possessor, owner, manager, or director of any such Slave, nor for nor against any other person having the immediate authority or control over such Slave, nor for nor against any individual, being a domesticated inmate of the family of such before excepted person as aforesaid, nor any other individual, being within the first and second degrees of kindred or affinity of such family, except in cases of charges or prosecutions for buying or receiving stolen goods, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

Not as to any matter concerning a white or free person, antecedent to publishing of this Act.

Not in any case of the master, mistress, possessor, owner, manager, or director of the Slave. Not in the case of any other person having the immediate control over the Slave. Not in the case of any domesticated inmate of the family of any of the above excepted persons, nor in the case of any individual within the first and second degrees of kindred or affinity of such family, except in cases of buying or receiving stolen goods.

20. Process for attendance of Slaves.

And be it further enacted, that in all cases where the attendance of any Slave shall henceforth be judicially required in any Court, or before any Magistrate, as a witness, or for any other purpose, the same process shall and may issue as should or might be used in the case of a white or free person; but the same shall be directed to and served upon the master, mistress, owner, director, manager, possessor, or employer, or other person, having the immediate authority or control over such Slave, and shall name the Slave and express the purpose for which he or she may be required, and command such persons respectively, to procure his or her attendance, according to the exigency of the process, and if such persons as aforesaid respectively, shall not do their utmost to cause obedience thereto, they and each of them respectively, who shall offend herein, shall be liable to, and suffer the same pains, penalties, or forfeitures as in ordinary cases; Provided always, that nothing herein contained shall extend to any writ of *capias* or warrant to take or attack the body of any Slave whatsoever.

21. All and singular the Justices named in the General Commission of the Peace for the time being, declared Public Guardians and Protectors of Slaves, and enjoined to be vigilant and attentive to their complaints.

And whereas the Magistrates of this Island are, upon all occasions, fully competent to support and maintain the rights and interest of the Slave; be it, therefore, further enacted, that all and every the Justices for the time being, named and appointed, or hereafter to be named and appointed, in and by the general commission of the peace for this Island, shall be, and they and every of them are hereby declared and constituted to be, jointly and severally public Guardians and Protectors of Slaves by virtue of such their office, and they and every of them are hereby enjoined and required respectively, to be vigilant and attentive to all complaints whatsoever made by Slaves for wrongs, but more especially to every complaint made before any one or more of them, by any Slave against any person, for or against whom such Slave is, by this Act, debarred from giving evidence, whether such last-mentioned complaint be, for either a civil wrong or a criminal misdemeanor; and if such complainant shall have no legal evidence to prove his or her case, being a case of the nature last mentioned, such Justice or Justices shall briefly state the complaint in writing, and give notice thereof within three days to the party accused, requiring him or her personally to be and appear before such Justice and Justices, and any other Justice or Justices, appointed at the election of the first Justice or former Justices, to compose a Bench of not less than three such Justices, at the time and place to be specified in the said notice; and if such accused

Special Court of Associated Justices, for trial of persons charged with wrongs to Slaves, who are debarred by this Act

party shall thereupon fail, without reasonable and lawful cause, to appear according to such notice, or appearing, shall not establish a lawful defence by legal testimony, or not having such testimony, shall not acquit or exculpate himself or herself by his or her own affidavit in writing, to the satisfaction of the said associated Justices, or the major part of them, he or she shall, in every such case, be deemed and taken to be convicted of the complaint, and the said associated Justices, shall thereupon, in a civil case assess the damages, and in a criminal case award sentence, and proceed to judgment and execution thereof in the same manner, to the same effect, and by the same means, as the Judges of the Court of King's Bench and Common Pleas of this Island by law might, could, or should do upon conviction on a verdict, and judgment had in such a case before them in that Court; Provided always, that if such last-mentioned complaint shall be proved to be groundless, or if the party accused shall be acquitted or exculpated by any of the means as aforesaid, to the satisfaction of the said associated Justices, or the major part of them, they shall or may, if they think fit, impose such fines, or order such lawful corporal punishment to be inflicted upon the complainant, as, according to the circumstances of the case, they in their discretion may judge proper; and in case of the death of any of the associated Justices, during the investigation, it shall be no bar to the survivor or survivors of them proceeding to judgment and execution.

from becoming witnesses against them.

Party accused to exculpate himself, upon affidavit in writing, in default of lawful evidence.

Damages to be assessed, executions to issue, &c. as in Court of King's Bench and Common Pleas.

Complaint groundless, complainant to be punished at discretion of Associated Justices.

Death of any of Associated Justices not to bar survivors or survivor proceeding to judgment and execution.

And be it further enacted, that the Secretary of this Island or his lawful Deputy, or some person duly authorised by him, shall attend such Associated Justices under this Act, for the trial of the last-mentioned complaints, as Clerk of the Court, and shall briefly minute and record in a book for that purpose all proceedings, file papers, issue and pass all process and writs, and generally do and perform all other things incident to the said Court and Office, in such manner and form as he might or should do if the same were to be had and done in or out of the Court of King's Bench and Common Pleas, or other Court of Record of this Island.

22.

Secretary of Island to attend such Court.

Any Constable to attend such Court.

And be it further enacted, that any constable of this Island shall be directed by the said Associated Justices to attend them in such their Sessions, and is hereby required so to do, and shall do, execute and perform all and all manner of things incident, relating, or appertaining to the said office.

23.

And be it further enacted, that all and every the pecuniary fines, penalties, or forfeitures, on summary convictions before Magistrates, imposed by this Act, shall be deemed and taken to be payable in gold and silver money current within this Island, and the same shall and may be recovered by warrant, under the hand and seal of any one of the Magistrates before whom such conviction shall have been had, directed to the Provost Marshal of this Island or his lawful Deputy, or to any constable, who respectively are hereby authorized and required to levy the same, and full costs, according to the tenor of such warrant, and to proceed to the sale of such levy in the same manner as on executions out of the Court of King's Bench and Common Pleas, save and except that nothing but current gold or silver money shall be tendered or received at such sale in satisfaction thereof, and for want or in default of such levy the offender shall be committed by warrant under the hand and seal of such Magistrate to the common gaol of this Island, there to remain without bail or mainprize, for any space of time not exceeding one calendar month.

24.

Pecuniary fines, &c. payable in current gold and silver money.

Recovery thereof by warrant of distress.

Nothing but money a tender at sales of distress.

For want of distress, party to be imprisoned not more than one calendar month.

And whereas an Act of this Island, made and passed in the sixtieth year of the reign of His late Majesty King George the Third, intituled, "An Act to alter "and amend an Act entitled an Act for settling and regulating the trial of cri- "minal Slaves by Jury, to ascertain and regulate the fees of Justices of the "Peace, and the charges of Constables; and to authorise the said Justices to "compel the payment of such fees and charges by the parties on whom the "same shall be chargeable," is found to be in many respects inexpedient, and after the passing of this present Act will become more so, and ought to be partially repealed. Be it therefore further enacted, that from and after the expiration of three calendar months from the passing and publishing of this Act, so much of the said cited Act as relates to the proceeding against, and bringing to trial Slaves accused of felonious offences, shall be and is hereby declared to be repealed, and that thenceforth every person in a state of slavery in this Island accused of any felonious offence shall be proceeded against, prosecuted, and brought to trial, either in the Court of King's Bench and Common Pleas, or other Court of competent jurisdiction, in the

25.

Act 60. Geo. III. No. 297. partially repealed.

Three Calendar Months after publication of this Act,

Slaves accused of felonious offences to be proceeded against, and tried in any Court of

competent jurisdiction the same as free persons.

same manner and form, and by the same ways and means, to all intents, constructions, and purposes whatsoever, as such person by Law might, could, or should be if he or she were of free condition, except that every such prosecution shall always be conducted by His Majesty's Attorney General or Solicitor General of this Government, or Senior Counsel resident and present in this Island, in succession, or in case of the absence from the Island, or inability of either of them, and there shall be no other resident Crown lawyer present, then by such Counsel as shall be asssigned for such purpose by the Commander on this Island for the time being at the public charge; and it shall be lawful for the Chief Justice, or in case of his absence or inability, the next senior assistant Justice of the Court of King's Bench and Common Pleas, on the application of any such counsel for the prosecution, to award and issue writs of Venire and all other usual and requisite process for holding a Court, and to hold a Court in the usual manner at any time which shall be deemed expedient for the prosecution and trial of any party accused of a felonious offence, and such Court shall have the same power and authorities, and their proceedings shall be as valid and effectual to all constructions and purposes whatever, as if the same were to have been holden on the regular Court day, any law, usage, or custom to the contrary thereof in any wise notwithstanding: Provided always, that nothing in this Act contained shall alter, or be deemed or taken to alter the trial of Slaves for misdemeanors in a summary way as now by law established, otherwise than by this Act expressed, nor to render Slaves competent to be jurors in any case whatsoever, nor to prevent their being admitted as witnesses for or against, or between each other as in and by the hereinbefore cited Act is directed.

Prosecution always to be conducted by the Attorney General, the Solicitor General, or Senior King's Counsel, or in their absence by Counsel to be assigned by Commander on the Island for time being at the public charge.

Special Court of King's Bench and Common Pleas may be holden at any time, on application of such Counsel for prosecution.

Trial of Slaves for misdemeanors, as now by law established, not to be altered by this Act, except as therein expressed.

26. Act 22 Geo. II. No. 135. Court of Sessions to be holden on the first Tuesday, Wednesday, or Thursday, in January, April, and July, as well as in October, annually.

And whereas by an Act passed on the twenty-seventh day of June, in the twenty-second year of the reign of His late Majesty George the Second, intituled, "An "Act for holding a Court of Sessions once every year;" it is amongst other matters enacted, that a "Court of Sessions shall be held every year in Charles Town, "in the Island of Nevis, on the first Tuesday, Wednesday, or Thursday in "October."—And whereas it hath been found that one Court of Sessions is not sufficient to administer justice in the said Island, in regard the Court of King's Bench does not sit from the month of August until March following: Now be it further enacted, that the said Court of Sessions shall also sit on the above-mentioned or either of the said days in January, April, and July, in this and every year following, and shall be constituted, and shall have the same powers and authority as the Court of Sessions established by the said recited Act.

27. No writ of Certiorari to remove summary convictions under this Act.

And be it further enacted, that no writ of Certiorari shall be sued out or shall be allowed either on the part of His Majesty, or of any other party, either in a civil or criminal case, on any summary conviction or convictions in any inferior Court not being for felony had by virtue of this Act, any law, custom, or usage to the contrary thereof in any wise notwithstanding.

28. Costs, &c. under this Act, to be taxed by presiding Magistrate.

And be it further enacted, that all Bills of costs and charges for any thing had or done by virtue of this Act in any Court or Sessions, save and except the Court of King's Bench and Common Pleas, shall and may be taxed by the presiding Judge, Justice, or Magsstrate before whom or under whose immediate jurisdiction or authority such matter may have been had or done.

29. Judge, &c. refusing to do, or neglecting duty under this Act, to be prosecuted in superior Courts, and on conviction punished by fine or imprisonment, or both, at discretion.

And be it further enacted, that every Judge, Justice, Magistrate, Constable, or other officer or person refusing or wilfully neglecting or omitting to do and perform any duty required of him, or prescribed by this Act, shall for each and every offence be liable to be prosecuted at the suit of the Crown in any of the Superior Courts of Record in this Island, and, being duly convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as the Court in which he shall be convicted may think fit to adjudge, as for an offence against this Act.

30. Other persons offending against this Act, not provided for, to be prosecuted, and penalties, &c. not disposed of, to be recovered at suit of Crown in Superior Courts; amount to be paid into Treasury, and applied as by order of Governor or Commander on Island,

And be it further enacted, that all and every other person and persons offending against this Act, and not hereinbefore specifically provided for, shall be prosecuted, and all penalties and forfeitures not hereinbefore disposed of or appropriated, shall be recoverable at the suit of the Crown, in any of the Superior Courts of Record of this Island, and such penalties and forfeitures, when recovered and received, or levied, shall be paid into the public Treasury of this Island, to be applied to such uses as the Captain-General and Governor-in-Chief, or Commander-in-Chief for the time being, or the Commander of this Island for the time being, by and with the advice and consent of His Majesty's

Council, and approbation of the House of Assembly, may think fit to direct, and not otherwise.

with consent of Council and Assembly, and not otherwise.

And be it further enacted, that in all proceedings and summary convictions to be had and done by virtue or under the direction of this Act, the forms hereinafter set forth in the Schedule hereunder written shall be used, and that no advantage shall be taken or allowed in any Court whatsoever for any departures therefrom, or any omissions or defects in matters of form, but that the same shall be good and sufficient for the purposes intended by this Act; and that no higher or greater fees than those enumerated in the Schedule aforesaid shall be payable to the several officers or persons therein mentioned, or to any person or persons acting under them or any of them; and if any such officer or person shall ask, demand, take, or accept any higher or greater fee than is therein set forth, for the several matters and things therein contained and specified, he or they shall be liable to be prosecuted at the suit of the Crown for extortion.

31. Forms in Schedule to be used. No advantage to be taken or allowed for departures, &c. therefrom, in matters of form; and no higher fees than those in docket to be demanded or received, under pain of prosecution for extortion.

And be it lastly enacted, by the authority aforesaid, that if any action, suit, or prosecution shall be commenced or prosecuted against any Judge or Judges, Justice or Justices, Officer or Officers, or any other person or persons, for any matter or thing done or performed under or by virtue of this Act, over and above the protection provided in and by an Act of this Island, intituled, "An Act for rendering Justices of the Peace more safe in the execution of their "office, and for indemnifying constables and others acting in obedience to their "warrants," and which Act is hereby extended to all such Judges, Justices, Officers, and other persons as aforesaid, it shall and may be lawful to and for the defendant or defendants in any such action, suit, or prosecution, to plead the general issue, and to give this Act, and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors in such action, suit, or prosecution, shall be nonsuited or discontinue such action, suit, or prosecution, or judgment shall be given against such plaintiff or plaintiffs, or prosecutor or prosecutors, he or they shall pay to such defendant or defendants treble costs of suit, for which such defendant or defendants shall have the like remedy as any other defendant or defendants have or may have in any other actions or suits: Provided always, that this Act shall not be in force until it shall have received the Royal Assent, and be published in Charlestown in this Island.

32. General Indemnity Clause.

Act not to be in force until it receives His Majesty's Assent, and be published in Charles Town.

Dated at the day of in the seventh year of the reign of our Sovereign Lord George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and twenty-six.

(Signed) WM. PEMBERTON, Speaker.

Passed the Assembly, this 27th day of April 1826.
(Signed) E. L. HOWE, Clerk of Assembly.

Passed the Board of Council, this 27th day of April 1826.
(Signed) BENJAMIN LORD, Clerk of Council.

Schedule referred to in and by the foregoing Act.

FORMS.

(No. 1.)

Summons by Ordinary or Deputed Ordinary.

(To be served by any Constable.)

"You are hereby required to appear before me at on to shew just and reasonable cause for withholding your consent, as it is said to the celebration of an intended Marriage between and

Given under my hand,
the of

To

(No. 2.)

(L. S.) *Licence thereupon.*

"This shall be a sufficient Licence to any Minister of the Established Church to solemnize the Marriage of with after publication of Banns according to Law.

Given under my hand and seal, in Nevis, the of 18

(No. 3.)

Oath of Jurors on Manumission Trials.

"You shall well and truly try the case before the Court, and shall determine all matters and points in difference between the parties, and a true verdict give according to the evidence. So help you God."

(No. 4.)

Deed of Manumissions by Treasurer or Deputy Treasurer.

"Know all men by these presents, that I Treasurer (or Deputy Treasurer) of the Island of Nevis, for and in consideration of the sum of (in words at length) into my hands paid, at or before the sealing of these presents, by (name the payer) for the manumission of (name and particularly describe the Slave) pursuant to the Act of the said Island of Nevis in such case made and provided, have manumitted, enfranchised, and set free, and by the power and authority in me vested by the said Act, do to all intents, constructions, and purposes whatever by these presents, manumit, enfranchise, and set free the said (repeat the name and description of Slave) from the day of the date hereof for ever. In witness whereof, I the said (Treasurer or Deputy Treasurer, as the case may be,) have hereunto set my hand and seal, this day of in the year of our Lord (words at length).

Signed, sealed, and delivered in the presence of }

(L. S.)

(No. 5.)

Writ of Subpœna for appearance of Slaves.

(To be served by any Constable, or as in ordinary cases.)

NEVIS. (L. S.)

George the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To greeting.

We command you, strictly enjoining that all businesses and excuses whatever ceasing, you cause , being Slave under your immediate authority or control, personally to be and appear before (state before whom, when, and where, and whether to answer to complaint or accusation, as the case may be,) and hereof fail not on pain and peril of the law.

Witness, (the Judge or Justice awarding it,) the day of in the year of our Reign.

Passed the Office.

Secretary.

(No. 6.)

On a Summons in name of Judge or Justice.

NEVIS.

By one of

(L. S.)

You are hereby required to appear, or to cause to appear , as in foregoing *mutatis mutandis.*

Given under my hand and seal.

(No. 7.)

Notice on Complaint of Slave.

(To be served by any Constable.)

NEVIS.

Take notice, that a certain Slave of named , hath complained before that (briefly state the complaint,) and you are hereby required personally to be and appear before , on the day of at to answer the said complaint, and further to be dealt with according to law.

Given under my hand, the day of 18 .

To

(No. 8.)

Notice of Justice to Associate.

(To be served by any Constable.)

You are hereby required to associate yourself with and myself (or us) to compose a Bench of Justices, on the day of at to hear and determine a case between complainant, and defendant.

Dated the day of 18 .

I am yours, &c.

To

(No. 9.)

Notice to Secretary, or Constable, or Marshal.

You are hereby required to attend a Bench of Justices (as in the preceding.)

Dated the day of 18 .

I am, Sir, yours, &c.

To

(No. 10.)

Summary Conviction.

NEVIS. (L. S.)

BE it remembered, that on the day of in the year of our Lord before Justice of the Peace of the said Island of the said Island having been duly

summoned (made default or appeared, as the case may be) to answer to a certain complaint (or information) of that did on (briefly state the complaint, information, or accusation), and was on the evidence of (or his or her own confession, as the case may be) thereof convicted (or acquitted), and it was thereupon, by , adjudged, that (state the judgment).

In witness whereof, I (or we), the to this record of conviction, have put hand and seal the day of in the year of our Lord

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(No. 11.)

Warrant to execute Sentence generally.

NEVIS. (L. S.)

BY (name the Magistrate to sign) Whereas (name the party) of the said Island (description or addition), on the (day, month, and year, in words at full length), before (name the convicting Magistrate) was (or were) convicted of (state the offence) and thereupon adjudged to (recite the sentence)

These are therefore in His Majesty's name to command you to execute, or cause to be executed, the said sentence according to law, and to the tenor thereof.

Given under my hand and seal, the (day, month, and years in words).

To

(No. 12.)

Warrant to levy Fine, Penalty, or Forfeiture, and commitment for default thereof.

(To be directed to the Provost Marshal of the said Island, or his lawful Deputy, or to any Constable.)

NEVIS.

BY (name and describe the Magistrate to sign)

Whereas of the said Island was (or were) on the day of before (name the Magistrates) convicted of (state the offence) and thereupon adjudged to (recite sentence).

These are therefore, in His Majesty's name, to command you to levy of the goods and chattels, lands and tenements, of the said sufficient to satisfy the said (fine, penalty, or forfeiture, as the case may be), and costs: that is to say, first, on tobacco, cotton, ginger, indigo, rum, sugar, or any other goods or merchandize of the growth and manufacture of this Island, or other merchandizes; and for want of such goods and chattels, to levy the said and costs upon the household goods and furniture of the said house; and for want of such, to levy the said and costs upon the cattle, horses, asses, mules, and other plantation utensils of the said ; and for want of such, to levy the said and costs upon the said Slaves; and for want of such Slaves, you are to levy the said and costs on the said lands and tenements; all which levies, and the sales thereof, shall be made by appraisement or public outcry, as the said party shall think fitting; and in satisfaction thereof, nothing but current gold and silver money shall be tendered or received. And finding no such goods and chattels, lands and tenements, then you are hereby commanded to take the body of the said and in safe

custody to keep in the common gaol of this Island, without bail or mainprize, for the space of

Given under my (or our) hand and seal, the day of in the year of our Lord one thousand eight hundred and

To

DOCKET OF FEES.

(To be paid in Gold and Silver Money Current in the Island.)

Ordinary or Deputed Ordinary.	£	s.	d.
For Summons	0	4	6
Hearing and determining Complaint	0	18	0
Licence thereon to solemnize marriage	0	9	0

Minister.	
For publishing banns	As fixed or to be fixed by the Lord Bishop.
For solemnizing marriage	

Clerk.	
For the solemnization of the marriage	Ditto

Judges or Justices.			
For certificates and other matters on manumissions	Gratis		
For every subpœna, summons, notice or any other process or writ (each)	0	4	6
For hearing and determining complaint or trial, if on one day, or sitting; each Judge or Justice	0	18	0
For every other day or sitting, ditto	0	9	0
For every record of summary conviction; each justice	0	4	6
For every certificate, ditto	0	4	6
For taxing every bill of costs, as of course	0	6	0
For every matter and thing relating to trial of Slaves manumission	0	14	3
For any other matter or thing not herein specified or provided for the same as in Courts of King's Bench and Common Pleas.			

Counsel.			
For retaining fee	3	6	0
For the trial; if on one day or sitting	3	6	0
For every other day or sitting	1	13	0
For every special argument or pleading	3	6	0
For perusing, settling, or signing any indictment, information or plea	1	10	0

Solicitor or Attorney.			
For retaining fee, taking instructions, &c.	0	13	4
For every ordinary indictment, information or plea, per folio, of ninety words	0	3	0
For every trial not being more than one day or sitting	0	18	0
For every other attendance in court	0	9	0
For brief, (when not counsel himself in cause)	2	14	0
For every matter and thing relating to the trial of Slave manumission, not more than	1	14	0
For every other matter or thing not herein specified or provided for the same as in the Court of King's Bench and Common Pleas, or if not provided for, so much as the Court or Justice shall allow.			

Secretary.

	£.	s.	d.
For attendance on every trial, not being in the ordinary Court of King's Bench and Common Pleas, or Court of Sessions, not exceeding one day or sitting	0	18	0
For every other sitting, except the first	0	9	0
For passing or filing any writ or paper	0	1	6
For every writ, piece of writing, or record, of one folio of ninety words or under	0	4	6
For every ditto, ditto, above one such folio, for every folio after, and besides the first, and so in proportion for less than a folio	0	2	0
For administering every oath	0	1	6
For every matter and thing relating to trial of Slave manumissions, not more than	0	10	0
For every other matter or thing, not herein specified or provided for, the same as in the Court of King's Bench and Common Pleas; but if not provided for, so much as the Court or Justices shall allow.			

Constable, Marshal, or other person for him.

For copy of every writ, notice, or other writing, to serve	0	3	0
For serving ditto, or oral summons, if in town, each person	0	3	0
For serving ditto, or oral summons out of town	0	3	0
For every mile going and returning in addition thereto	0	1	0
For horse hire (so much as may be allowed by the Court or Magistrates, if necessary).			
For every matter or thing relating to the trial of Slave manumissions, not more than	0	6	0
For every other writ, process, act, matter, or thing, not herein specified or provided for, the same as in the Court of King's Bench and Common Pleas; or if not provided for, so much as the Court or Justice shall allow.			

No. 2.

DEAR SIR, *Saint James's Place, February 24th* 1827.

I HAVE the honour to acquaint you, that the enclosed copy of a Bill for ameliorating the condition of the Slaves, passed by the Assembly of St. Christopher last year, but postponed by the Council, was, I am informed, drawn up from memoranda taken in the House at the time. The enactments are correct in form and substance, according to the best information I can obtain on the subject.

I have, &c.

(Signed) J. COLQUHOUN.

R. Wilmot Horton, Esq.
&c. &c. &c.

P.S. The Council had passed seven clauses of the Bill (with a few alterations) at the time when their attention was withdrawn from any further consideration of it, by the advice of the Governor, who recommended that Lord Bathurst's drafts should be substituted.

An Act for further improving the condition of the Slaves in Saint Christopher.

WHEREAS it is expedient that certain parts of the laws now in force, relating to the Slave population in this Island should be repealed, and that other regulations for improving their condition should be made; we, therefore, your Majesty's most lawful and dutiful subjects, the Captain General and Governor-in-Chief, in and over St. Christopher, Nevis, Anguilla, and the

Virgin Islands, and the Council and Assembly of St. Christopher, humbly pray your Most Excellent Majesty, that it may be enacted and ordained.

1. And it is hereby enacted and ordained by the authority aforesaid, that ten days after the publication of this Act, all markets to be held within the said Island on Sunday, shall be limited to the hour of eleven in the forenoon, and that from and immediately after the hour of eleven in the forenoon on the Lord's day, no person or persons whatsoever shall shew forth or expose for sale, any meat, poultry, vegetables, provisions, fruits, herbs, wares, or merchandize, goods, or effects, or shall remain in any market, upon pain of forfeiting the goods so exposed for sale, which may be seized by any constable, and be divided by any Justice of the Peace, between the person who shall seize the same, and the poor of the parish; and if a free person, upon pain of forfeiture also of the sum of nine shillings, by every such free person remaining in any such market on the Lord's day, after the hour of eleven of the clock in the forenoon, exposing for sale or purchasing any goods, to be levied by order in writing under the hand and seal of such Justice of Peace, and paid to the person who will inform for the same.

2. A constable to be appointed to ring a bell, quarter before eleven o'clock in the market.

3. And in order that encouragement may be given to the increase and protection of Negro infants, be it further enacted by the authority aforesaid, that every female Slave, who shall have five children living, belonging to any plantation or estate, shall be allowed fifty-two days during the whole year to cultivate their provision-ground, under the penalty of five pounds currency, for each day omitted, and it shall not be lawful for any person whatsoever, to employ their Slaves at any kind of work on Sundays, except domestics, watchmen, stock-keepers, and such Slaves as are employed in potting sugar; Provided always, that such potting of sugar shall not be performed after ten o'clock in the morning, nor shall it be lawful for any person to put about or cause to be worked, any sugar-mill, between the hours of ten o'clock on Saturday night and four o'clock on Monday morning, under the penalty in such case of ten pounds currency.

4. And be it further enacted by the authority aforesaid, that it is and shall henceforth be illegal for any person or persons within the said Island of Saint Christopher, to carry any cart whip or cat while superintending the labour of any Slave or Slaves in or upon the fields or cane pieces upon any plantation within the said Island, or to use any such cart whip or cat for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any nature or kind whatever, or to carry or exhibit upon any plantation or elsewhere, any such cart whip or cat as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slave or Slaves, and in case any person or persons shall carry any cart whip or cat, while superintending the labour of any Slave or Slaves, in or upon any plantation or cane piece within the said Island, or shall use any such cart whip or cat for the purpose of impelling or coercing any Slave or Slaves to perform any labour of any kind or nature whatsoever, or shall carry or exhibit upon any plantation or elsewhere, any such cart whip or cat as a mark or emblem of his, her, or their authority over any Slave or Slaves, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving or use, or exhibit any such cart whip or cat, shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided; nevertheless, that if he, she, or they so offending shall be a Slave or Slaves, he, she, or they shall, on conviction, before any two or more Magistrates, be punished by flogging, not exceeding twenty-five stripes.

5th and 6th Clauses are so imperfect, that a correct copy cannot be given; the substance is, that any Clergyman of the Established Church of England, or any Minister of the Kirk of Scotland, shall grant certificates to Slaves (free of expense), stating therein the names and places of abode of such Slaves, who, in the judgment of the party so certifying, may be sufficiently instructed in the principles of religion as to understand the nature and obligation of an oath. And that no persons shall be rejected as witnesses in any of the civil or criminal Courts, by reason of his, her, or their state of Slavery, provided they produce

the said certificate, and provided such certificate shall be given prior to the occurrence of the transaction to which they are to testify; and provided also, that no Slave shall give such evidence in which his or her owner, manager, or director of the estate to which he or she belongs is directly concerned, and that nothing therein contained shall extend to render the Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition. And points out the method of serving the subpœna to obtain the evidence of the Slave.

7. And be it further enacted, that it shall be lawful for persons in a state of Slavery to contract marriage, either with Slaves or persons of free condition, with the consent of their owners, or the attorney of such owner, expressed in writing; but if any such owner, or attorney of such owner, shall refuse such consent, or omit to give the same, then it shall be lawful in every such case, for such Slave or Slaves to apply to the Ordinary, or Deputed Ordinary of this Island for the time being, and such Ordinary or Deputed Ordinary is hereby authorized and required to summon before him such owner, lawful possessor, or attorney of such owner of such Slave or Slaves, to shew his or her objection to such marriage, and if thereupon such owner, lawful possessor, or attorney shall fail to appear, or appearing shall not shew just and reasonable cause for withholding his or her consent to such marriage, then and in every such case the Ordinary or Deputed Ordinary shall grant a licence under his hand and seal, thereby authorizing any Minister of the Church of England or Kirk of Scotland to solemnize such marriage, in the same manner, after due publication by banns, as if the parties had been of free condition; and it shall be lawful for any such clergyman or minister, upon receiving any such licence, to solemnize any such marriage in manner aforesaid, and the same, when so solemnized, shall be binding, valid, and effectual in the law. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to render any such marriage valid or effectual which would be illegal or void if such persons were of free condition. Provided also, that no such marriage shall alter, impair, or abridge, or in any manner prejudice the property of the owner or respective owners of such Slaves, of, in, and to such Slaves, their issue and progeny.

8. And whereas persons in a state of slavery in this Island have been permitted to acquire, hold, and enjoy property, free from the control or influence of their owners, and it is expedient that the said laudable custom should be recognized and established by law, be it enacted, that no person in this Island being in a state of slavery shall be, or be deemed or taken to be, by reason or on account of such his condition incompetent to purchase or acquire, possess, hold, or enjoy, alienate, or dispose of property, but every such Slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands situate in the said Island, or money, cattle, implements, or utensils of husbandry, or household furniture, or other effects, of such or the like nature of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action in any Court of Justice, for or in respect of any such property, as fully and amply to all intents and purposes, as if he or she were of free condition. Provided that no free person or Slave shall be liable to be arrested, or taken in execution, or imprisoned, or taken in custody for, on account, or by means of any action, cause of action, suit, judgment, or execution which may be had, taken, or obtained against such Slave, by reason of any thing hereinbefore contained, nor for any costs which may be incurred by any such Slave in any such suit or proceeding, either as plaintiff or defendant, or otherwise, howsoever; Provided also that nothing herein contained shall repeal an Act of this Island, intituled, "An Act to restrain thefts committed by Negro Slaves, and to prevent the dishonest traffic carried on by such as deal with them as to the following articles; that is to say, sugar, syrup, molasses, rum, canes, sprouts, magoss, pewter, brass, lead, iron, oats, lumber, and plantation utensils."

9. A clause directing that Negroes arriving or otherwise, be considered free till their slavery be proved.

10. That it is and shall be illegal for any person or persons to inflict in one day upon any Slave for any crime or offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding twenty-five in the

whole, or to inflict upon any such Slave any punishment or correction by the whipping, scourging, or beating of their person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any recent whipping, scourging, or beating; or to inflict upon any such Slave any punishment or correction by the whipping, scourging, or beating of the body, until the day after the commission of the offence, for or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at and witness the infliction of such punishment other than and besides the person by and by the authority of whom the same may be so inflicted. And in case any person or persons shall inflict in any one day upon any Slave any number of stripes or lashes exceeding the number of twenty-five in the whole, or shall whip, scourge, or beat any such Slave, at any time when there shall be upon his or their person or persons any laceration occasioned by any recent whipping, scourging, or beating, or shall inflict upon any such Slave any such punishment or correction as aforesaid, previous to the day next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence or attendance during the whole of such punishment of some person of free condition, other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal punishment of any Slave, shall be and be deemed to be guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as hereinafter provided. Provided nevertheless that nothing herein contained shall extend or be construed to extend to any punishment which may be inflicted upon any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within the said Island.

11. Clause prohibiting the exposure of females.

12. And be it also enacted, that there shall be kept upon every plantation and estate within the said Island, a book to be called the Plantation Record Book; and that it be the duty of the owner, proprietor, manager, or other person having the direction of and the chief authority in the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any punishment whatsoever of any Slave who may be punished with any number of stripes exceeding twelve, a statement of the nature and particulars of the offence for or in respect of which such punishment may be inflicted, and at the time at which and the place where such punishment was inflicted, and of the nature, extent, and particulars of the punishment, together with the name of the persons by whom and by the authority of whom the punishment was inflicted, and of the person or persons of free condition present and attending at the infliction of such punishment.

13. And be it further enacted, that if any person, being the owner, proprietor, or manager, of any plantation or estate within the said Island, or having the management thereof, or the chief authority therein, shall neglect or omit to make, in the said Plantation Record Book, any entry which, according to the provisions of this Act, ought to be made therein, or shall not make such entry within two days next after the infliction of each and every punishment to which the same may refer, the person so offending shall incur and become subject to a penalty, not exceeding fifty pounds, nor less than five pounds, current money, to be fixed and determined by the Court before whom such offender shall be tried, and to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make or cause, or procure to be made, any false entry or fraudulent erasure in any such plantation book, or shall wilfully or fraudulently burn, cancel, destroy, or obliterate the same, or any part or parts thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanor, and being convicted thereof shall suffer such punishment as hereinafter provided.

14. And be it further enacted, that upon the prosecution of any person being the owner, proprietor, or manager of any plantation, for inflicting, or causing or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared to be illegal, if the Slave so declared to be illegally punished shall be produced in open Court, and if the marks or traces of recent flogging or laceration shall ap-

pear upon the person of such Slave, and if such Slave shall in open Court declare such traces to be the consequences of any such unlawful punishment or correction, and, being duly examined by the said Court, shall make a particular, consistent, and probable statement of all the circumstances attendant upon such unlawful punishment, then and in every such case, although such Slave will not be a competent witness within the provisions of this Act, the owner, proprietor, manager, or other person having the charge of such Slave, shall be bound to shew to the satisfaction of the Court and Jury, or prove upon his own oath that the punishment, of which the marks or traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or to prove that such punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one such witness of free condition, as is required by this Act. And in default of his shewing to the Court and Jury, or giving proof on his own oath or otherwise, such owner, proprietor, manager, or other person as aforesaid, shall and may be convicted, and adjudged to be guilty, of the offence imputed to him.

15. And be it further enacted, that it shall not be lawful, in the execution of any judgment, sentence, decree, or order, of any tribunal of any Court of Justice within the said Island, to seize and sell, in satisfaction thereof, any Slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband, or wife, or child under the age of sixteen years, who may be the property of the same person or persons, unless such husband, and wife, and child, or reputed husband, or wife, or child, shall be sold together, and in one and the same lot, and to the same person or persons. And if in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband, wife, or child, or reputed husband, wife, or child as aforesaid, then and in every such case such sale and execution shall be, and the same is declared to be, absolutely null in the law, to all intents and purposes whatsoever. Provided, that no such sale of a Slave shall be void or invalid by reason or on account of the husband, or wife, or child under sixteen years, or the reputed husband, wife, or child under sixteen years, belonging to the same owner, not being sold together with such Slave in the same lot, if such Slave, being questioned thereto by the marshal or other officer who shall make such sale, which such marshal or other officer is hereby required to do, under the penalty of twenty pounds current money, to be recovered as hereinafter mentioned, shall not give to the said marshal or other officer information thereof, and declare the name or names of such his or her husband, wife, or child under sixteen years, or reputed husband, wife, or child under sixteen years, belonging to his or her owner; and the marshal or other officer who shall make any such sale of any Slaves, without selling any husband or wife, or child or children, with such Slave, shall make a memorandum in his book of sales of his having made inquiry of such Slave as to his or her having a husband, or wife, or child, or children under sixteen years, or a reputed husband, wife, or child, or children under sixteen years of age, belonging to his or her owner, and his or her having failed to give such information thereof as aforesaid, which memorandum, duly signed by the marshal or other officer making such sale, shall in all Courts be had and taken as sufficient evidence that such inquiry, as hereinbefore directed, was made, and of such default in such Slave of giving such information of his or her having such husband, wife, or child, or reputed husband, wife, or child, belonging to such owner.

16. Clauses establishing Saving Banks for the Slaves, and placing such Banks under certain regulations, and under the control of the Colonial Treasurer.

17. And be it further enacted, that in case any Slave within the said Island shall be desirous to purchase the freedom of himself or herself, or if his or her husband or wife or child, or brother or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself or of any other person as aforesaid, and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave, being vested in any other person or persons be unable to execute a valid and effectual manumission of any such Slave, or if the owner or proprietor or any other person having an interest in any such Slave shall be a minor or married woman, or idiot, or

lunatic, or if the real or true owner of any such Slave shall be absent from the said Island, or shall not be known, or if any suit or action shall be pending in any Court of Justice in the said Island wherein the title to such Slave or the right to his services shall or may be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then and in such and every of the cases aforesaid, any two Magistrates of the said Island, on application to them for that purpose made, shall issue a summons under their hands and seals, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be to appear before them, either by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said Magistrate in the public Gazette of the said Island, on three several days, of the time and place appointed for the purpose aforesaid, and in such notice, all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right or as the guardians, attornies, trustees, or executors of any other persons, shall be required to attend and prefer such claims.

18. And be it further enacted, that at the time appointed for any such meeting as aforesaid, the said Magistrates, in the presence of the owner or attorney of such owner of the Slave or Slaves proposed to be manumitted, or (upon proof being made to them upon oath, of the due service and publication of such notice as aforesaid, then if necessary) in the absence of such owner or attorney shall proceed to hear in any summary way what may be alleged either by or for the said Slave, or by the owner or attorney, or other person claiming any interest in the Slave proposed to be manumitted; and in case the parties or any of them shall refuse to effect any such manumission, or if it shall appear to the said Magistrates that a valid and effectual manumission of any such Slave cannot be legally effected by private contract, or if it shall be made to appear to the said Magistrates that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is absent from the said Island, or is unknown or cannot be found, or that any action or suit is depending in any Court of Justice in the said Island, wherein the title to the said Slave or the right to his services is in controversy, or if it shall appear to the said Magistrates that any difference of opinion exists between the said Slave or Slaves and the owner thereof respecting his or her price or value, then and in every such case the said two Magistrates shall require the said Slave and the owner or attorney, or the person having the direction of the said Slave, each to nominate an appraiser of his or her value, and the said Magistrate shall nominate an umpire between such appraisers, and the said appraisers, being first duly sworn before the said Magistrates to make a fair and impartial appraisement, shall within seven days next after their appointment make a joint valuation of the Slave proposed to be manumitted, and shall certify such their valuation to the said Magistrates under their hands and seals; and in case such joint certificate shall not be delivered to the said Magistrates within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next seven days certify his valuation under his hand and seal to the said two Magistrates, and the valuation in the manner aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry of the said Island.

19. And be it further enacted, that upon payment to the owner or owners, or other person or persons, in the said Island, competent to give discharge for the same, such owner or owners, person or persons, shall give a receipt or discharge for the same; or, if by reason of any of the circumstances aforesaid, there be not any person or persons on the Island competent to give such lawful discharge, or, being such person or persons, he, she, or they shall refuse to receive the same and give such receipt, then, upon payment to the Treasurer of the said Island of the appraised value of any such Slave as aforesaid, the said Treasurer shall grant to the said Slave a receipt for the money so to be received by him, and such receipt of the Treasurer shall be duly enrolled in the office of Registry of Deeds in the said Island, together with a declaration under the hand and seal of the said Magistrates, that the proceedings required by law by the manumission of the Slave, by or on behalf of whom such money was

paid, had been duly had before them; and thereupon, such Slave shall be, and be deemed, taken, and reputed to be free to all intents and purposes whatsoever.

20. A Clause appropriating the money so received by the Treasurer.

21. And be it further enacted, that any person who may be convicted of any act, hereby declared to be a misdemeanor, shall, if of free condition, be and become liable to a fine, not exceeding two hundred pounds currency, or to imprisonment not exceeding six months, or both to fine and imprisonment, at the discretion of the Court before which any such person may be convicted; and in case any person be convicted of cruelty to any Slave, the said Court is hereby authorized, at their discretion, to order the right and title of and interest of the person so convicted of and in such Slave to be absolutely forfeited to His Majesty; and all fines and pecuniary penalties shall be recovered by indictment or information, and shall be divided and paid, one half to His Majesty, for the use of the public of this Island, and the other half to the use of the person or persons who shall prosecute for the same.

22. And be it further enacted, that the 3d, 5th, 12th, and 15th Clauses of an Act of this Island, intituled, "An Act for attainting several Negroes therein "mentioned; for the more effectually preventing Negroes from running away "from their master's service; and for explaining and rendering more effectual "an Act, intituled, An Act for the better government of Negroes and other "Slaves," shall, from and after the passing of this Act, stand and be absolutely and entirely repealed; and also that such part of the tenth section of the said Act as relates to the prosecution of any Slave, who shall have absented himself from his master's service above the space of six months, and such part of the twelfth section of the said Act as requires the master or owner of any plantation, who shall find any Slave upon his plantation without a ticket or business from his master or owner, to punish such Slave, shall also stand and be repealed from and after the passing of this Act.

ST. VINCENT.

No. 1.

SIR, *Downing Street, 19th March 1826.*

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of St. Vincent some of the measures which His Majesty's Government recommended for improving the condition of the Slave population.

In 1824 I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and, on the other, secure to the Planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left to them to proceed in such manner as might appear to them adviseable for taking all these several measures under their consideration. The Act which you have recently transmitted to me is yet under His Majesty's consideration. It contains many provisions which must be considered as making a praiseworthy and important approximation to those which have been recommended. It contains also a provision respecting the trial of Slaves accused of capital offences which has been spontaneously introduced by the Legislature, and does them credit. I shall reserve for a future opportunity the detailed observations which it may be desirable to make upon several of the Clauses, but in the mean time it is my duty to apprize you that however sensible of the merits of the Act, as far as it goes, I cannot but be also sensible that an Act in which there are no provisions respecting manumission without the consent of the owner, flogging of females, disuse of the driver's whip, and the appointment of a duly empowered Protector of Slaves, must fall far short of what Parliament and the Country require.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Order in Council classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of St. Vincent's.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the Resolutions of the Two Houses of Parliament, and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these Bills, to congratulate you and the Legislature of St. Vincent on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of the Slaves and of their families, on a principle of equitable appraisement, which system will have fully carried into effect the Resolutions of the Two Houses of Parliament. Nothing will then remain but to provide for the improvement of the Judicial System, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the Report of the Commissioners of Legal Inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the Courts of Justice in the Island.

I have, &c.

(Signed) BATHURST.

Rear-Admiral Sir C. Brisbane, &c. &c. &c.

No. 2.

SIR, *Downing Street, 21st May* 1826.

IN my despatch to you dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Same as in the case of the Bahamas, with the exception of Note 1, on Bill 1, which is omitted.

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects: First, the Office of Protector and Guardian of Slaves; secondly, the admission of the Evidence of Slaves in civil and criminal cases; thirdly, the Manumission of Slaves; fourthly, the intermarriage of Slaves; fifthly, the observance of Sunday, and the abolition of public markets on that day; sixthly, the acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it; seventhly, the separation of families under judicial process; and, eighthly, the punishment of Slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner.

To each of these Enclosures I have subjoined Notes, explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Presented to Parliament Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence, you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in St. Vincent. I am aware, also, that upon some of the topics comprised in these papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, per-

haps, not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because, in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of St. Vincent may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will therefore immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will of course have regard, not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the Colony, in which the same or the like provisions as are contained in these drafts may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of these bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding you that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments, so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before His Majesty Acts of the Assembly of St. Vincent, fully carrying into effect the spirit of the various provisions, which by His commands I have now the honour to transmit to you.

I have, &c.

(Signed) BATHURST.

Rear-Admiral Sir Charles Brisbane, K.C.B. &c. &c. &c.

No. 3.

SIR, *Downing Street, 25th May* 1826.

ALONG with this letter you will receive a despatch on the subject of the Slave Laws of the Colony under your Government. You will find no more than an incidental notice of the Slave Melioration Act transmitted by you on the 27th December, for I have found it impossible in my present despatch to enter into a minute examination of this Act without occasioning delay.

In case, however, the Legislature should meet to consider the subject of my present despatch before I shall have been enabled to communicate to you the result of my more mature consideration of their recent Slave Act, you will assure them that I shall not omit the earliest opportunity in my power of offering any observations which may be suggested by that Act, and appear calculated to assist their further legislation upon the subject.

I have, &c.

(Signed) BATHURST.

Rear-Admiral Sir C. Brisbane, &c. &c.

No. 4.

MY LORD, *Government House, St. Vincent's, 3d August* 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 17, dated 21st May, with its several enclosures, relating to the improvement of the condition of the Slaves within this Colony, the whole of which are now under the consideration of the Crown Officers.

I have, &c.

(Signed) C. BRISBANE.

The Right Hon. the Earl Bathurst, K.G. &c. &c.

No. 5.

MY LORD, *Government House, St. Vincent, 23d August* 1826.

I HAVE the honour to transmit, for your Lordship's information, my proceedings on the drafts received from your Lordship relating to the proposed measures for the further amelioration of the condition of the Slaves in this Colony.

The Crown Officers, as your Lordship will perceive by their communication (herewith inclosed), conceived it most advisable to embody the several Clauses, thereby forming one Bill, and they state the reasons which induced them to make some alterations. In this shape I submitted these measures to the consideration of the Assembly on the 17th instant, when the Bill was read a first time, and a second reading ordered for the 5th September.

I refer your Lordship to the Speaker's letter for the sense of the present Assembly on this important subject, and although his expressions are not calculated to excite any favourable impressions as to the ultimate success of the Bill, I nevertheless hope a new Assembly, which I must shortly summon, may be induced to listen more favourably to the suggestions of your Lordship.

I have, &c.

(Signed) C. BRISBANE.

The Right Hon. the Earl Bathurst, K. G. &c. &c.

SIR, *Saint Vincent, 8th August* 1826.

WE have the honour to acknowledge the receipt of your Excellency's communication of the July, with the documents accompanying it, which are returned. After due consideration we have deemed it advisable to consolidate the eight Acts into one, and to repeal such Clauses in the present Slave Act as are repugnant to this supplement, and to propose that it shall be limited to the

duration of that Act, so that at a future period, when their legal effects have been duly appreciated, they can be consolidated.

We now submit to your Excellency the prepared draft of the Bill, and we have added a table specifying the Clauses of each Act, and its corresponding relative in our proposed draft, with notes on the particular Clauses, where any omission has been made, or trifling addition inserted; the blanks filled up in pencil are taken from His Majesty's Order in Council. We do not consider ourselves authorized to make any alterations in the general measures proposed further than to adopt them to the Acts now in force.

We have, &c.

(Signed) J. R. DASENT,
CHARLES SHEPHARD.

His Excellency Sir Charles Brisbane, K. C. B. &c. &c.

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No. 1.—In this Clause we have added that the salary of the Protector shall be paid by warrant of His Majesty, but we have not specified out of what fund.

No. 2.—A Clause of this kind is inserted at the end of each of the Acts which we have consolidated in Clause 53.

No. 3.—These Clauses are quite useless in this Island.

No. 4.—We have defined the penalty as more convenient for Justices than a reference to the English Statutes.

No. 5.—This Clause is useless, as we have no private markets, nor can any prescriptive right exist in this Island.

No. 6.—These are already provided for by the 21st and 23d Clauses of the Slave Act, except the presence of a free person at punishments, which we have introduced in the 34th Clause.

No. 7.—This is provided for by the 68th and 71st Clauses of the Slave Act.

No. 8.—The punishment of a Slave for perjury has already been defined in the 72nd Clause of the Slave Act, which we have retained.

(Signed) J. R. DASENT,
CHARLES SHEPHARD.

SIR, *Government House, St. Vincent's*, 17 *August* 1826.

IN obedience to the commands of His Majesty's Government, signified through the Right Honourable the Earl Bathurst, I have convened the present meeting of the Legislature, to submit for their consideration, with a view to the adoption of certain measures which I have the honour to transmit to you embodied in a Bill prepared by His Majesty's Crown Officers of the Colony, for giving full effect to the improvements and appointments which are considered essentially necessary to secure to our Slave Population the benefits therein contemplated.

Enactments upon a subject so comprehensive and important require great deliberation. I think we may with reason expect many advantages from a more intimate and practical acquaintance with the operation of the proposed Law.

From the frequent expressions of the Legislature of their readiness at all times to co-operate with His Majesty's Government in the great work of amelioration, I look forward with a lively interest as to the result of their deliberations on the subject now laid before them, and while I earnestly entreat attention to the desires of the Imperial Parliament, and of every class of Society in Great Britain, I cannot but allude to the exertions made in the Mother Country to enforce those measures, which, however, His Majesty's Government have preferred should be the spontaneous act of the Colonies themselves.

It will be my duty to report the progress which may be made in carrying these intentions of His Majesty's Government into operation, and I do sincerely hope I shall have the pleasure of transmitting for His Majesty's consideration such an Act as will give effect to the various provisions, and reflect the highest honour on the character, loyalty, and liberality, of this very flourishing Colony.

I have, &c.

(Signed) C. BRISBANE.

The Hon. John Dalzell, Speaker of Assembly, &c. &c.

A copy of the above, accompanied by a draft of the Bill sent to the Board of Council.

(Signed) C. B.

SIR, *St. Vincent, Council Chamber, 17 August 1826.*

I AM commanded by the President and Members of His Majesty's Council to acknowledge the receipt of your Excellency's communication of this date, with a copy of a Bill for the amelioration of Slaves.

I am directed to state that they will pay such attention to the matters therein contained, when they shall be brought before them, as the importance of the subject requires.

By Command,

(Signed) CHARLES SHEPHARD.

His Excellency Rear Admiral Sir C. Brisbane, K. C. B.
&. &c. &c.

SIR, *House of Assembly, Saint Vincent's, 19 August 1826.*

THE House met on the 17th instant, in obedience to your Excellency's call, and received your communication of that date with the solemnity and attention naturally created by the grave and important nature of the measures submitted to its consideration.

The Bill containing the enactments which His Majesty's Government seem so extremely anxious to have become the Law for the Government of Slaves, has been read a first time, but many of the most valuable and wholesome Clauses are already in full operation under our present Slave Act, and others are so utterly repugnant to that influence and control which the master seems naturally destined to exercise over his Slaves, that I am not enabled to give your Excellency much reason to expect that the intentions of His Majesty's Government will be carried into effect by the Legislature of this Colony.

I have, &c.

(Signed) JOHN DALZELL, Speaker.

His Excellency Rear Admiral Sir C. Brisbane, K. C. B.
&c. &c. &c.

No. 6.

MY LORD, *Government House, St. Vincent's, 28th September 1826.*

WITH reference to the despatch which I had the honour to address to your Lordship on the 23d of August, relating to the proposed measures for a further amelioration of the condition of our Slave population, I now transmit for your Lordship's information the enclosed communication from the two Houses of Legislature on the subject of the measures in question, and I have much reason to apprehend the determination therein expressed is the echo of public feeling and opinion.

The Session of the present Assembly is drawing to a close; and, although I cannot anticipate any very favourable change, either of members or of sentiment on these important measures, yet, I assure your Lordship, my influence and interest shall be equally exerted to encourage them to listen with more readiness to the proposals of His Majesty's Government.

I have, &c.

(Signed) C. BRISBANE.

The Right Hon. the Earl Bathurst, K. G. &c. &c.

SIR, *Saint Vincent's, September 5, 1826.*

HIS Majesty's Council and the House of Assembly entered upon the consideration of the measures which your Excellency submitted to the Legislature on the 17th August, with that diligence and anxiety which the nature of the subject demanded, and, moreover, with a fixed and unfeigned determination to meet and to conform on every practical point to the wishes of His Majesty's Ministers. In addition to this feeling, the Council and Assembly are actuated by a sincere desire, not only not to treat the declared opinions of Parliament with the semblance of contumacy, but to evince their continued affection for

our gracious Sovereign's Throne and Government, and their unabated attachment to the Laws and Constitution of the Country. But it is distressing to reflect that they are nevertheless, by an unexampled course of circumstances, placed in such a situation as to have no other course of proceeding left but that which will appear at variance with those express intentions and desires of Government. They can only pursue a frank and manly line of conduct, by at once declaring their opinion that many of the proposed enactments, the draft of which has been laid before them, are unsound in principle, and totally inapplicable to the present state of Slavery, while others appear ill-timed and inexpedient, even if viewed with exclusive reference to the class of society in that state.

The Council and Assembly freely admit that those measures have been framed in England with good intentions, and on the most benevolent principles, and that many persons there, with the best intentions towards the Colonies, are of opinion that their legal operation would prove not only not detrimental to the rights and interests of the Master, but would materially improve the moral condition, and physical comfort and happiness of the Slave. This proposition they maintain to be extremely erroneous, and charged with the most troublesome and dangerous consequences to both parties. Thus, unhappily, at the very threshhold of this important question, they are compelled to be at issue; and, unless they shall be fortunate enough to convince those in power that their apprehensions are not groundless, not only will the amelioration of Slavery be greatly impeded, but such strife and confusion may speedily pervade these Colonies, as will ever after leave the safe, practical decision of the question hopeless. Measures of doubtful expediency are thrust upon the Legislatures, with a haste and dogmatism unknown in more temperate and unprejudiced times, and equally at variance with that sound and deliberate consideration usually bestowed on great questions, affecting or impugning at once moral principles and civil rights. It is admitted we are on the road leading to the amelioration of personal Slavery, but, instead of making our route with the caution of prudent commanders in an unknown country, no progress is satisfactory but that made by tiresome forced marches with one division only, while the unwieldy, undisciplined mass, the main body, the moral character and propensities of the Negro, are left unheeded and unprotected in the rear.

Acting as the Government avowedly professes on the principle that the Master and Slave are equally to reap the benefit and advantage of their proposed measures, they appear to have closed the door against any further discussion of their safety or practicability; no contrary opinion appears to have weight, however respectable the source from whence it is derived. Lessons that have been acquired by disinterested parties, from experience and knowledge of the actual state of the mind and habits of the Negro population, are received with a thrilling indifference; and, finally, the entreaty or even remonstrance of those who contend and show that their prosperity and fortune, at the least, are at stake on the result of those measures, is met with silent reproof or determined hostility. Thus circumstanced, with such a host of opinions and authorities against them on the expediency of enforcing a doubtful and dangerous experiment, which is to affect for ever a million of people and millions of property, not one moment's delay will be allowed, no day for reflection and reconsideration; and Ministers seem to hesitate at no part of this perplexing question but the pledge of compensation, which they openly affirm the Colonists have no right to expect or demand. The Council and Assembly decidedly maintain that the enactment of those measures would not only remove from the Proprietor all that wholesome and salutary controul over his labourers which has grown up with, and now is incorporated in the very best parts of the system, and which is still necessary for the security and well-being of both,—but that it would abridge in every respect, and destroy in many others, those hitherto undoubted rights of property, without the exercise of which for the present the plantations would become equally ruinous to the owner, as the Colonies would prove unproductive to the Parent State. We, therefore, for these and the other reasons hereafter to be enumerated, cannot consent to become the agents for executing measures from the result of which we can only contemplate one unvaried scene of disquiet, contest, or ruin. The West India estates, such as they are, once, in the proudest day of Britain, in her zenith, cherished and esteemed by her most valiant sons and wisest statesmen,

but now cast off, contemned, and detested, the Proprietors are ready and prepared to surrender to the Nation, on receiving a fair and clearly-defined compensation for their value. Then the question between the Government and the Colonists, and between the Colonists and their calumniating adversaries, may, without any violation of National faith, or invasion of private rights, be firmly and practically set at rest. The Proprietors will then bear their full share at so costly an experiment; but it appears neither just nor honest to cast on them alone the whole risk and loss, when they assert and believe the measure to be so pregnant with mischief and ruin to themselves.

The Council and Assembly do not wish to contend that the day will never arrive when those enactments may be reasonably and usefully applied. Another generation of Slaves may safely participate in all their intended advantages. But in the mean time many preliminary improvements must gradually disclose themselves, that not even the omnipotence of Acts of Parliament can hasten. Orders in Council, however ably framed with reference to plausible theories, cannot eradicate in a day or a year the craft and superstition of savage Africa, in which the minds of a great proportion of the Slave population of the Colony are still imbued. Orders in Council cannot infuse at once, and by magic, into minds thus benighted, the lights of sound feelings and intellectual endowments; and, above all, they cannot, as it were, with the speed and plainness of the type, imprint upon a dissolute and unprincipled population, the sound, mild, and benevolent doctrines of Christianity, just now fairly begun to be preached with success by the educated Ministers of an established and responsible Church. When the completion, or even progress, of all those good works, now commenced under such fair and promising auspices, shall have opened a safe and practicable road to the expanded minds and improved hearts of the Negroes, then the Legislature of St. Vincent will be foremost, as it already has been, to extend to that class of society those rights and privileges which time and religious instruction only can fit them to receive and enjoy, with happiness to themselves and advantage to their Masters.

It has already been remarked to your Excellency, that many of the most valuable of the proposed enactments are either positively or virtually in operation here, under the Slave Act which obtained your Excellency's sanction last December; and that others are so directly at variance with the ties that connect the Master and Slave in the bond of reciprocal protection and service, that they seem inadmissible, either for the purpose of restricting the one or of relieving the other of those parties, even admitting that restraint on the one hand, and relief on the other, be necessary. It now remains for the Council and Assembly to endeavour to support this proposition, with as much brevity as the nature of the subject will admit.

The draft of "*A Bill for appointing a Protector of Slaves*" appears quite uncalled for in St. Vincent, and would merely create a new and expensive office, with inconvenient and perplexing machinery, to accomplish a purpose that is already fully attained by the most simple and unobtrusive means. The Attorney General of the Colony receives his appointment from the Crown, and the Legislature has granted him a salary of £500 currency *per annum*, fixed in the same permanent manner as that granted to your Excellency. This salary is in lieu of all fees of office in criminal proceedings. This officer is by custom and by law the Protector of Slaves, and bound to prosecute all serious offences against them, or such as are not cognizable and remediable by the Magistracy, who are in like manner *Assistant Protectors*, without the name only, but armed by law with all the powers in minor offences contemplated by the proposed Bill. In support of this fact, it will be merely necessary to have reference to the 25th and 26th Clauses of the Slave Act.* In the event of any

* Clause 25th. And be it further enacted, by the authority aforesaid, That, in case any Justice of the Peace shall receive any complaint, or credible information, from any Slave, or otherwise, that any Slave or Slaves has or have been wantonly or improperly punished or confined contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such Justice to associate one other Justice with him, and to issue their warrant to any Constable, ordering him immediately to proceed to the place where such Slave or Slaves are or is confined, and to release and bring him, her, or them before the Justices, who are hereby authorized to commit the said Slave or Slaves to the gaol, until enquiry shall be made into the facts; and if upon such enquiry it shall be found that the said complaint is true, it shall be the duty of the said Justices, and they are hereby required, to prosecute the offender according to law; but if it shall appear that such

person whatever being charged with any of those enumerated offences, or others of a serious nature against Slaves, not punishable summarily by the Magistrates, or *Assistant Protectors*, they are bound, in the words of the Act, "*to prosecute the offender according to law*," that is, by returning the examinations in the case in writing to the Crown Office, and by binding over the parties and witnesses to attend at the Court of Grand Sessions of the Peace. In the case of Slaves being witnesses, their Master must enter into recognizances for their appearance in like manner. The functions of the Attorney General, *or Protector*, then commence; and he necessarily follows up the proceedings till the offence is investigated, and the criminal punished in the same manner, and with all the form and solemnity proposed in the Bill for appointing a Protector. In fact, we can safely assert that in no case does a Slave lose the protecting power of the Attorney General, until by his own misdeeds he stands arraigned as a criminal, either for an offence against a fellow Slave or person of free condition; and in either case the Legislature can triumphantly appeal to the Slave Act, Clause 69th,* to show that no sooner is he reduced to this situation than he is transferred to other hands, equally capable of defending and protecting him. Admitting the worst view ever taken of the character of the Proprietor, it will be here seen he has not the power, if he had the inclination, of leaving his Slave to his fate, but that, in the hour of his distress, and at the day of trial, the public purse is opened for his benefit and protection, and all the talent and humanity of British Barristers at his command.

On the important question of "*Slave Evidence*," the Council and Assembly must again appeal to the measures the Legislature has already adopted in this delicate and yet untried subject. The only variations from the Trinidad Order in the Slave Evidence Enactment, Clause 66th,† are, that Slave

complaint was groundless, the said Justices shall punish the complainant and the person giving information thereof, if a free person by imprisonment not exceeding ten days, and if a Slave by any number of stripes not exceeding thirty-nine, and commitment to hard labour for a period not exceeding ten days, and the costs and charges of the prosecution shall be paid by the Treasurer, or his lawful Deputy, in case the owner or owners of the Slave or Slaves shall not be capable of paying them, upon certificate of the President of the Court to that effect.

Clause 26th. And be it further enacted by the authority aforesaid, that if any owner, possessor, or other person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, wantonly or cruelly whip, maltreat, beat, bruise, cut, wound, or imprison, or keep in confinement, without sufficient support, any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence, and upon conviction shall be punished by fine, not exceeding one hundred and fifty pounds, or imprisonment not exceeding twelve months, or both, for each and every Slave so wounded, punished, or confined as aforesaid, and such punishment is declared to be without prejudice to any action that may be brought for the recovery of treble the value of such Slave or Slaves for or on account of the same, in case such Slave or Slaves shall not be the absolute and entire property of the offender; and in atrocious cases, where the owner of such Slave or Slaves shall be convicted of such offence, the Court are hereby empowered, in case they shall think it necessary for the future protection of such Slave or Slaves, to declare him, her, or them free and discharged from all manner of servitude whatsoever, and to order and direct the said one hundred and fifty pounds to be paid to the Treasurer, or his lawful Deputy, who shall pay to each of the said Slave or Slaves so made free the sum of fifteen pounds per annum for his or her maintenance and support during life.

* Clause 69. And be it further enacted by the authority aforesaid, that if any Slave or Slaves charged with any of the before-mentioned offences, or any other offence whatsoever which may render him, her, or them liable to the punishment of death, transportation, or imprisonment for life, shall be tried in all respects in the same manner as free persons, at the Court of Sessions, and six days before the sitting of the Court the Clerk of the Crown and Peace shall deliver a list of all the Slaves so to be tried to the President of the Court, who shall thereupon appoint a Barrister to act as Counsel for each prisoner, and in case of an indictment between the said six days and the sitting of the Court, then and in such case Counsel shall be appointed for the prisoner as early as may be, and the Jury shall, if they find the prisoner guilty, ascertain the value of him or her, and such value of such condemned Slave shall be paid to the owner or possessor of such Slave so condemned or executed, out of the Public Treasury of these Islands, upon producing the certificate of such condemnation and appraisement under the hand and seal of the Judge presiding at the trial of such Slave or Slaves, and also the certificate of the Provost Marshal General of the execution, transportation, or imprisonment of such Slave or Slaves, except it shall appear that the owner or possessor of such Slave or Slaves had refused to deliver up such Slave or Slaves, as hereinafter mentioned: and the Counsel so appointed to defend the prisoner shall be paid by the Treasurer, or his lawful Deputy, the sum of sixteen pounds ten shillings currency.

† Clause 66th. And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any cases of murder, felony, or any other offence which shall subject the party or parties guilty thereof to suffer death or transportation by reason of the said witness being in a state of slavery, provided always that the Slave or Slaves produced as a witness or witnesses shall at the same time produce

testimony is inadmissible in prosecutions against their Master, or his agents over them, and that a certificate of good conduct is required from the Master or Attorney, in addition to the other guards in that Order. These additional precautions were thought highly advisable in the mere infancy of this experiment, because it was deemed improper to place the Slave at once, before he could well comprehend the nature of the privilege extended to him, in direct and public opposition to his master, and because Slaves might frequently be brought up to give evidence, who, from the retired nature of their habits, and secluded residence, could only be known personally, or with reference to their moral habits and general behaviour, by their Master, or his agents. * * * * * * But we are by no means inclined to be inflexible in future enactments with reference to Slave evidence in criminal matters, when it shall be found that no danger and inconvenience have been experienced from the extent to which it is at present admissible. In civil proceedings however we think it adviseable to take a more decided course, from the conviction that here it is perfectly unnecessary, and that its admission would neither promote the public good, nor contribute to private advantage, and therefore we utterly reject any enactment on this branch of the subject.

The most important of all, are the considerations involved in the next proposition, of "*a Bill to manumit Slaves, and to enable them to purchase themselves;*" this question aims at the vitals of all property, and while glancing over the Slave with a slight wound, would reach the heart of the Master. The Legislature has removed every obstacle to the voluntary manumission of Slaves, by the 18th* and 19th Clauses of the Slave Act, but if the measure of

before the Judge, Justice of the Peace, or Court, to which any Grand Jury or Petty Jury are summoned, a certificate of his, her, or their baptism, under the hand of the clergyman of the parish in which he, she, or they shall have been resident at the time of his, her, or their baptism, or an extract of the entry of such baptism from the registry of such parish or cure; and also a certificate under the hand of a clergyman, and of the proprietor, or the attorney of the proprietor of such Slave or Slaves so produced as a witness or witnesses that such Slave or Slaves is or are of good character and repute, and that he, she, or they have been sufficiently instructed in the principles of religion, as in the judgment and belief of the party so certifying, to understand the nature and obligation of an oath; and provided also that the court before which such Slave or Slaves is or are produced as a witness or witnesses shall be satisfied, on examination, with such certificates, and of the accuracy of the facts therein certified; and provided also that no white person or free person shall be convicted of any of the crimes aforesaid on the testimony of any Slaves, unless two of the said Slaves at least, produced as witnesses, clearly and consistently with each other depose to the same fact, act, or circumstances, and also, unless the said Slaves are examined apart, and out of the hearing of each other; and provided also that no white person, or free person shall be convicted on the testimony of any Slaves of any of the crimes aforesaid, unless the person or persons be charged and prosecuted for the said crime or crimes within twelve months after the commission thereof; and it is hereby expressly declared and provided, That no person being in a state of Slavery shall be admitted to give evidence in any case where his or her owner, or the attorney, manager, overseer, or person having the charge of such Slave, may be charged with, or prosecuted for, any of the crimes aforesaid, or in any case where any white person may be charged with, or prosecuted for, any offence punishable with death.

* Clause 18. And be it further enacted by the authority aforesaid, That all manumissions of any Slave or Slaves, duly executed and recorded in the Register's office of these Islands, shall be good, valid, and effectual conveyances in the Law, to all intents and purposes whatsoever, and the Register of Deeds, or his lawful deputy, shall publish the names of the parties executing the deed, and the names of the Slave or Slaves thereby manumitted, in three successive gazettes or other newspapers, published next after the acknowledgment of such manumission, at the expense of the party recording the deed, the fee for which shall be four pounds currency; provided always that no owner or possessor of any Slave or Slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall manumit any Slave or Slaves on account, or by reason of, such Slave or Slaves being rendered incapable of labour or service to his, her, or their owner or possessor, by means of sickness, age, or infirmity of mind or body, under the penalty of two hundred pounds currency, to be recovered before any two Justices of the Peace, and upon conviction, to be levied by a warrant under their hands and seals, directed to the Provost Marshal General, or his lawful deputy, which fine shall be paid to the Treasurer or his lawful deputy, who is hereby empowered and directed to allow to each of the said Slave or Slaves so made free, the sum of twenty pounds per annum, to be paid quarterly, for his or her maintenance and support during life.

Clause 19. And whereas advantages may be taken of the ignorance of persons who may have been imperfectly manumitted, in order to detain them in slavery, be it further enacted by the authority aforesaid, that any person or persons who shall knowingly or wilfully keep or detain, or cause to be kept or detained, or connive at, or assist in, the detention of any person or persons whatsoever in slavery who shall be entitled to freedom, he, she, or they, upon the freedom of such person or persons being established either by the judgment of any court, or the execution of any deed or will, or any other satisfactory proof, to be produced before any two Justices of the Peace, shall forfeit and pay to such person or persons so detained, treble the amount of any hire that such person or persons would have produced during the time he, she, or they were so detained in

compulsory manumission should be hastily brought into operation in St. Vincent, it would prove destructive of the advantages hitherto derived in a national point of view from the Colony. It never can be sanctioned or submitted to by the Council and House of Assembly till the fact shall have been satisfactorily and practically established, that free agricultural labour, may be, and can be substituted, at the will of the Proprietor, for that which he would be deprived of by the operation of compulsory manumission; and that too upon terms equally advantageous in point of expense. When this desirable point has been established, His Majesty's Ministers will find the Colonists as willing to adopt this measure as they can possibly be to propose it; although the Council and Assembly should then still fail to see their way clear through the other numerous and well founded objections to it, in the present state of Negro habits, wants, and propensities. Many of these objections have been already urged with so much force and truth from other quarters, that it would prove fruitless to repeat them in this place, or to enlarge upon the danger and absurdity of extending the privilege to "*reputed relations*," when so much pains are now taken to inculcate marriage, and the other kindly and domestic affections.

Among the numerous cases of manumission, to the present time, we have been unable to trace in this Colony a solitary instance of an agricultural Slave obtaining his freedom and remaining for wages or any other consideration at his original occupation on a sugar estate. Nor do we think that any reasonable compensation in the shape of money-wages would induce one of them at the present moment to return to the continuous, although not onerous labour necessary for the culture and manufacture of sugar. If this be the fact, and we challenge enquiry into, and disproof of it if possible, what prospect would the unfortunate Planter in St. Vincent have before him, but that of depopulation of his once valuable estate, and consequent ruin to himself and family? The Law now rigidly prohibits the importation of agricultural labourers from the neighbouring and over-peopled Colonies, and if the proposition be admitted, that Slaves when made free, even with the consent of the Master, invariably act as has been represented, in what quarter is the Proprietor to seek relief from such a prospect, or can it be said the fears he entertains are unfounded.

This Colony contains a vast proportion of uncultivated land, perhaps sufficient to maintain, on a scale commensurate with their present wants, its whole Slave Population. Those lands are hilly, and sometimes mountainous, but abounding in rich ravines—extremely well watered—always, from the geographical form of the Island, contiguous on one side or the other to the sea; and affording every other inducement to an easy or indolent life. The self manumitted Slave, by whatever means* this purpose had been accomplished, would invariably leave the property of his former Master, and retire to some delightful spot of one hundred feet square of this land on the banks of a rivulet, where, with a few hours light work in each week, he would maintain himself, and be relieved from the only evil of magnitude which in his estimation this world ever presented to him, *persevering daily labour;* while the Master, out of the remnant of his dilapidated estate and deteriorated means, would be compelled to support the aged relations of this very freed man, and perhaps his infant children, till they should be fit to place themselves beside their indolent and now half savage father. Until this deep rooted error has been eradicated, or in some measure removed from the mind of the Plantation Negro, it cannot be difficult to foresee and to comprehend all the disastrous consequences the Council and Assembly apprehend from compulsory manumissions. It would prove tiresome, and perhaps unprofitable, to enter into the details of this measure, or it might be clearly shewn that for a healthy young field Negro the sum of five hundred pounds sterling would prove an inadequate compensation to the Proprietor of a sugar estate, unless he could at the same time make a sale of the whole of them; as the removal of his young labouring

slavery, the rate of which hire shall be settled by the said Justices, to be levied on the goods, chattels, and Slaves of the offender or offenders, by a warrant under the hands and seals of two Justices, directed to the Provost Marshal General, or his lawful deputy.

* Honestly acquired money, theft and plunder, or societies formed for liberating him.

hands one by one would leave the establishment to be upheld at the same expence with diminished means for cultivation, and therefore prove a harassing prolongation of his ruin. It is possible that in some of the long settled populous Colonies with exhausted soils, and subjected to continued droughts, this measure of compulsory manumission may not present such insurmountable obstacles; should it therefore be enacted in those Colonies, still all the well founded alarm and danger to be apprehended from it, would remain undiminished in Saint Vincent.

The machinery by which the Bill proposes to render the measure operative, is so odious and unconstitutional, that it would be a severe reflection on the spirit of the Mother Country to suppose her descendants would quietly submit to place the disposal of their entire property in the hands of a single Judge and Protector. In questions of property, as well as of life, British subjects have been taught to believe in, and rely on, the efficacy and necessity of the interposition of a Jury even to the value of ten pounds, while here, for the first time since the signing of the Bill of Rights, at four thousand miles distance from the fountain head of English Jurisprudence, a new Star Chamber Court is proposed to be erected, and one hundred millions of wealth to be placed at the disposal of some twelve or fifteen Judges and Slave Protectors, without remedy or appeal left to its hitherto unfortunate but now insulted proprietor.

"*The Bill to prevent Slaves being separated by legal sales from their families,*" is of minor importance. This separation was proved, in an Address from the Council and Assembly to your Excellency, of the 4th September 1823, never to happen with respect to agricultural Slaves in Saint Vincent, and the Act of Parliament already alluded to for "*Consolidating the Slave Laws,*" having prohibited the removal of all Slaves excepting domestics, would seem to obviate the necessity of further enactment on this subject, in a Colony of such confined dimensions. There has not been a Marshal's sale of agricultural Slaves separated from the soil for many years, and nothing seems more improbable than such an event in future. In an Island, as has been already remarked, of trifling extent, the whole of the objections are removed that (would in an extensive country) apply to tradesmen and domestics who, of the same family, frequently have different owners, and are never separated more than members of a family in England, when seeking service or employment in the same parish—once a month, or even once a week, they may exchange personal intercourse and kindred offices, by making a journey of a few miles.

The Legislature, in the 10th Clause* of the Slave Act, has anticipated "*The Bill to regulate Marriages,*" with the exception of the right of the Slave to appeal to the Protector against his master's determination; and here again we are forced to lament that precipitancy with which all those measures are forced upon the Colonists. Those who best know the present feeble state of intellect and judgment in the Negroes generally, may weil express surprize that that wholesome controul with which the Law invests the father of a family over its disposal in marriage, should be denied to the master in the case of his Slave. In the formation of so important a connection, it is impossible that any other authority can be so beneficially interposed as that of the master; the true interests† and happiness of the Slave must for every possible purpose be his primary

* Clause 10th. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Slaves who may be desirous to intermarry, to apply to any Clergyman of the Established Church of England and Ireland to solemnize any such marriage as aforesaid, who are, and each and every of them is hereby required to solemnize the same without fee or reward: Provided always, that such Slaves shall produce to such Clergyman the consent, in writing, of their owner or owners, manager or managers, to the celebration thereof; and provided also, that such Clergyman, upon previous examination of such Slaves, consider them to have a proper and adequate knowledge of the nature and obligation of the marriage vow: And provided further, that such marriages shall not confer on the parties or their issue any rights inconsistent with the duties which Slaves owe to their owners or to the Government, or at variance with those rights which the owner or the Government are by Law entitled to assert over the Slaves and their progeny, or subject such Slaves so intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

† Clause 5th. And whereas by the usage of these Islands, Slaves have been permitted to acquire, hold, and enjoy personal property free from the controul or interference of their owners, and it is expedient that such laudable custom should be continued and established by Law, be it therefore enacted by the authority aforesaid, that if any owner or possessor of any Slave or Slaves, or any other person or persons whatsoever, shall unlawfully take away from any Slave or Slaves, or

object, and therefore it is contrary to the most obvious principles in life to suppose that his decision, in the case of marriage, should be at variance with those interests and that happiness. Marriages are daily taking place, and the Council and Assembly believe that no single instance of dissatisfaction or disappointment on this subject has been felt or expressed by a Slave.

"*Sunday Markets*," the Council and Assembly, on a former occasion, stated to your Excellency, that the Legislature has taken a preliminary step towards abolishing, by the 7th and 9th Clauses* of the Slave Act. It is impossible to clear away in a day all the difficulties surrounding so many complicated subjects, and if the Government will force upon us Laws before events have ripened for their reception, they will retard rather than hasten the attainment of those salutary results for which the Colonists equally with themselves are anxious.

The 11th and 12th Clauses† of the Slave Act accomplish much that is in-

in any manner deprive, or cause him, her, or them to be deprived of any species of personal property, by him, her, or them lawfully possessed or acquired, such person or persons shall forfeit and pay the sum of ten pounds over and above the value of any such property so taken away as aforesaid, the same to be recovered by warrant under the hand and seal of the Justice of the Peace before whom the complaint shall be laid and the facts proved.

Clause 6th. And be it further enacted by the authority aforesaid, that if any white or free person, who is not the owner or director of any Slave, shall take away, or cause to be taken away from any Slave any article or thing whatsoever, or shall take or cause to be taken away from any Slave any stock, meat, vegetables, fruit, provisions, grass, or any other article or thing which such Slave shall be authorized by any present or future existing laws, usages, or customs of these Islands to sell or possess, or shall, after purchasing from any such Slave any of the articles or things aforesaid, refuse or omit to pay him or her the price agreed upon for the same, or shall remove or take away by force from any Slave, or trample on the ground or scatter about or destroy any article or thing whatsoever aforesaid, or cause the same to be done, in any such cases, on complaint made by the owner or director of the said Slave, though it may be without oath, to any Justice of the Peace in or near the parish where the offence is committed, such Justice shall, and he is hereby authorized and directed by an order in writing under his hand, stating the complaint made by such owner or director, to command such person or persons against whom such complaint was made, to appear at a time and place to be specified in such order, before him and any other Justice who may be then and there present, that such complaint may be examined into, and such Justices are hereby authorized to take the examination of such person complained of upon his or her own oath with respect to the complaint, who shall be compelled to answer upon oath such questions as the said Justices may put to him or her, and if such person shall not fully answer such questions, or having been duly summoned, refuse to appear as aforesaid, he or she shall be considered as convicted of the said offence, or if such person having fully answered such questions, shall not fully exculpate himself or herself, or shall be otherwise convicted before the said Justices, he or she shall be compelled to pay compensation for the full value of the property injured, taken, or destroyed, and moreover be fined by the said Justices in any sum not exceeding ten pounds current money, such compensation and fine to be recovered by warrant under the hands and seals of the said Justices, directed to any constable, commanding him forthwith to levy on the goods and chattels of such offender sufficient to pay such compensation and fine, with all costs and charges attending all the proceedings aforesaid, and for want of such goods and chattels, to commit such offender to the common gaol for any time not exceeding twenty days, and such constable shall execute such warrant under the penalty of five pounds current money aforesaid, and the said Justices shall, upon recovery of the said sum of money, pay the compensation to the Slave and the fine into the public Treasury.

* Clause 7th. And be it further enacted by the authority aforesaid, that no shop or store shall be kept open on Sundays under a penalty of ten pounds, provided that nothing herein contained shall extend to the prohibition of dressing or selling meats in taverns or victualling houses, nor to the sale of meat, fish, bread, and other necessaries of life on that day, so that the same do not take place during the hours appointed and set apart for Divine Service.

Clause 9th. And whereas it is proper and necessary to limit the duration of Sunday markets holden in the town of Kingston, be it further enacted by the authority aforesaid, that from and after the first day of June one thousand eight hundred and twenty-six, the market holden in the town of Kingston on Sundays shall be limited to the hour of ten o'clock in the forenoon, and due warning shall be given by the ringing of a bell at half-past nine o'clock to all persons to prepare to depart, and if any person or persons whatsoever shall remain therein and expose for sale any fish, meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandize, goods or effects, after the hour of ten o'clock, it shall and may be lawful for the clerk of the market, or any other constable, to seize the goods exposed for sale, and cause them on the following day to be taken before any one of the Town Wardens for the said town, or any Justice of the Peace, who, upon view of such goods so exposed, shall order the same to be sold forthwith, and the proceeds thereof to be applied and disposed of as follows; that is to say, one moiety to the clerk of the market or constable seizing the same, and the other moiety to the poor of the said town and parish of Saint George.

† Clause 11th. And be it further enacted by the authority aforesaid, that during crop not only shall the Slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be put about or worked between the hours of seven o clock on Saturday night and four o'clock on Monday morning, nor shall any boiling-house be kept open after ten o'clock on Saturday night, or sugar boiled therein after that hour, under the penalty of fifty pounds, to be recovered against the proprietor, manager, or other person having the charge of such estate.

tended by the proposed Bill, to prevent labour on Sunday, or any encroachment on the time usually allowed the Slave. General labour on Sunday has ever been unknown in Saint Vincent, either for the preservation of crops or any other purpose on the plantations or elsewhere. Sailors who navigate the craft around the Island, in cases of emergency, and tradesmen, when accidents have befallen the buildings or machinery, are sometimes employed on Sunday, but constantly repaid, either with an equivalent of time or in money, at the option of the Slave. But he is not compellable to the performance of this work, and should his pursuits or inclination lead him to decline it, the master must then look for assistance in some other quarter, and on the best and cheapest terms in his power. Why he alone, of all other men, should be deprived of this right by Law, is, perhaps, one of the inquiries which even a West India Planter may be allowed to make without being charged with impertinence! The wages generally given to sailors, tradesmen, and other able Negroes, when unavoidably employed on Sundays, holidays, or the * twenty-six other days secured to them by Law, is ten shillings current money, or four shillings and four-pence sterling each day.

The 21st, 22d, 23d, and 24th Clauses † of the Slave Act, offer a good an-

Clause 12th. And be it further enacted by the authority aforesaid, that every field Slave on any plantation or estate, on work days, be allowed half an hour for breakfast and two hours for dinner, and that no Slaves shall be compelled to any manner of field work upon any plantation before the hour of five in the morning or after the setting of the sun, except during the time of crop, under the penalty of fifty pounds, to be recovered against the proprietor, manager, or other person having the charge of such estate.

* Clause 13th. And be it further enacted by the authority aforesaid, that every owner or possessor of Slaves belonging to or worked upon any plantation or estate in these Islands, or their Attorney, shall allow to each and every such Slave a sufficient portion of land adapted to the growth of provisions for their support and maintenance, and between the first day of May and the thirty-first day of January in each and every year, shall allow to each and every such Slave twenty-six full working days, over and above the Sundays, for the purpose of cultivating the said land, at the discretion of such proprietor or possessor of such Slaves, or their Attorney, and as to them may be deemed most advantageous and beneficial to such Slaves, and further shall allow to their Slaves, except those necessary about their houses and stock-keepers, Good Friday, Christmas Day, and the two days next following, for their recreation, and no more or other days during the twelve Christmas holydays; and if any person, owner, renter, or manager of any plantation or estate do not allow their Slaves the same days as before mentioned for working their grounds, for their recreation and as holydays, or shall allow them any other or more days in the Christmas holydays than as aforesaid, the person or persons so offending shall forfeit the sum of fifty pounds current money of these Islands.

† Clause 21st. And be it further enacted by the authority aforesaid, that in order to restrain arbitrary punishment, no Slave on any plantation or estate shall receive more than ten stripes at one time and for one offence, unless the owner, attorney, guardian, executor, administrator, or manager of such plantation or estate having such Slave under his care shall be present, and no such owner, attorney, guardian, executor, administrator, or manager shall, on any account, punish a Slave with more than thirty-nine stripes at one time and for one offence, nor inflict or suffer to be inflicted such last mentioned punishment, nor any other number of stripes in the same week, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than fifteen pounds, or more than thirty pounds, for every offence, to be recovered against the person directing or permitting such punishment, in a summary manner before any two Justices of the Peace, and upon conviction to be levied by their warrant, directed to the Provost Marshal General, besides being subject to be prosecuted by indictment in the Court of Grand Sessions of the Peace of these Islands, as for an offence against this Act.

Clause 22d. And be it further enacted by the authority aforesaid, that there shall be kept upon every plantation and estate throughout this Island, and upon every plantation and estate in the Island of Bequia and the other dependencies, a book wherein it shall be the duty of the owner, proprietor, manager, or other person having the charge and management of such plantation or estate, to enter and record all and every the crimes for which punishment shall be inflicted, and the nature and extent of every such punishment exceeding ten lashes, upon such plantation or estate, and such book, so to be kept on every such plantation or estate, shall be produced when called for by any Justice of the Peace, upon inquiry into any complaint of ill treatment of any Slave or Slaves, attached to or worked upon such plantation or estate, under the penalty of twenty pounds, to be levied and recovered by warrant, under the hand and seal of the Justice before whom complaint shall be lodged, and demand made as aforesaid.

Clause 23. And be it further enacted by the authority aforesaid, that no Slave or Slaves shall, from and after the first day of January one thousand eight hundred and twenty-seven, carry any such instrument as is commonly called the cart whip, as a mark or emblem of his or their authority while superintending the labour of any Slave or Slaves in or upon any plantation or estate; and the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal use or exhibition of any such whip as aforesaid, shall be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as the Court before which such misdemeanour is cognizable shall in its discretion direct.

Clause 24. And be it further enacted by the authority aforesaid, that no person shall, on any pre-

swer to the "*The Bill to prevent abuses in the punishment of Slaves*," or to so much of it as is framed either with reference to the rights or feelings of the master or to the maintenance of due subordination on his estate. The Legislature is about to erect a tread-mill as a substitute for whipping of females; whenever it is found to succeed, and that not only whipping, which is now seldom or ever resorted to, but that even the dread of it may be safely removed from the mind of the female Slave, your Excellency may assure the King's Government, that the practice shall be immediately abolished by Law. Many of the Clauses of this proposed Bill are marked with a degree of relentless rigour towards the weakness and failings of our erring nature, that is seldom to be found in the spirit of modern enactments. Everlasting infamy and ruin are made to attach to offences which, if not venial, are certainly not very malignant; others are perplexing and vexatious; and, lastly, they shew that an unworthy prejudice is operating against the proprietor in a quarter where his true character and interests should be better understood and appreciated. This Bill would degrade the most respectable of the class to a station little better than that of lackey or dependant of the Slave Protector.

These are the observations that present themselves to the Council and House of Assembly, in the progress of the consideration of those important measures submitted for their enactment by desire of His Majesty's Government. In declining *in toto* to accede to some of them, and in desiring time to watch the operation of so much of others as the Legislature has already adopted, nothing evasive is intended, nor any thing disrespectful offered towards that Government. The Council and House of Assembly are sensible that an immense difference of opinion unfortunately exists between His Majesty's Ministers and themselves, but they hope it will be met without any acrimonious feeling, and treated merely as that kind of dissonance which sometimes prevails on the agitation of new and momentous subjects, where even both parties occupy the same ground and possess the command of equal means of accurate information. It has been * elsewhere remarked, with reference to this subject, that on the expediency or safety of what is called the "*Catholic Question*," the wisest and most eminent men have been differing for a quarter of a century, during which time the subject has been almost annually discussed. Evidence *on both sides* has been received. Inquiries of the most tedious and expensive nature have been instituted, yet those differences of opinion remain as irreconcileable as before.

The Council and Assembly feel confident your Excellency will cheerfully undertake to assure His Majesty's Government, that our aversion to those enactments arises only from a conviction of their inexpediency and their tendency to abridge or destroy all the rights of property of our constituents, without any pledge or even promise of compensation should our predictions be verified, and our apprehensions confirmed. It is only eight months since the enactment of the amelioration Law, now so satisfactorily and beneficially in operation. Your Excellency can bear testimony to the good intentions and benevolent views of the Legislature in framing this enactment, which comes so near to the desires of the Mother Country.

The Council and Assembly will act on the thorough conviction of the soundness of the opinions and statements here put forth, as applicable to the existing state of Slave propensities, and the duties and reciprocal rights of Master and Slave. Should another authority discredit those statements, and outweigh those opinions, and interpose a different course of proceeding, which shall produce all those misfortunes and calamities apprehended, then we shall stand acquitted

tence whatsoever, punish any Slave, whether his own property or otherwise, by fixing or causing to be fixed an iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave, for any offence whatsoever, with chains or weights of any kind, other than a light collar without hooks, to indicate that such Slave is an incorrigible runaway, or one accustomed to commit depredations on the grounds of the other Slaves, and which collar shall only be put on by the directions of a Justice, on due proof of the offence, under a penalty not less than five pounds nor exceeding fifty pounds, to be recovered in a summary manner before any two Justices of the Peace, and all and every the Justices of the Peace are hereby authorized and required, under the penalty of one hundred pounds, on information and view of such offence, to order such collar, chains, irons, or weights to be immediately taken off from the Slave or Slaves wearing and bearing the same, save and except Slaves committed to the gaol or cage.

* Vindication of the Legislatures.

of the charge of having surrendered the rights or betrayed the trust confided to our care.

We have, &c.

(Signed) J. R. DASENT, President pro tempore.
JOHN DALZELL, Speaker.

No. 7.

SIR, *Downing Street, 7th December* 1826.

I HAVE received your despatch of the date of the 28th of September ultimo, and I much regret to receive the communication from the two Houses of the Legislature, which you have therein enclosed to me.

On the 19th March last, I instructed you as follows: "On the receipt of this "communication you will take the proper steps for having Bills drawn up for "carrying these measures *severally into effect*, in such manner as may be "most conformable to the existing laws of St. Vincent. When these Bills "shall have been duly prepared, you will cause them to be brought under the "consideration of the Assembly, *so that the Assembly may have them separately* "*before them.*"

I have therefore to request that you will forthwith transmit full particulars of the manner in which these Bills were brought forward (in obedience to these instructions) in the House of Assembly for the consideration of the Legislature, and that you will send copies of such Bills, which I must presume were submitted separately for their consideration, in conformity with my instructions.

I have, &c.

(Signed) BATHURST.

Rear Admiral Sir C. Brisbane, &c. &c.

No. 8.

SIR, *Downing Street, 3d April* 1827.

THE Act passed by the Legislature of the Island of Saint Vincent's, in the month of December 1825, intituled, "An Act to repeal An Act entitled, An "Act for making Slaves real Estate," and the first clause of an Act, intituled, "An Act to appoint Commissioners for the purpose of obtaining an exact account "of the number of the free-coloured people and number of Negroes within this "Government and its dependencies, and to ameliorate the condition of "Slaves, and for other purposes," has been laid before His Majesty in Council,

14th March 1827. and I have now the honour to transmit to you an order of His Majesty in Council, by which His Majesty has been pleased to order that this Act be left to its operation.

I am further commanded by His Majesty to communicate to you, for the information of the Legislative Council and Assembly of Saint Vincent's, the following observations upon the Act in question:

His Majesty has observed with satisfaction the progress made by these enactments in the measures to be taken for the improvement of the state of the Slave population, but it is at the same time my duty to remind you that there are several measures which, though recommended in the instructions approved by the two Houses of Parliament, are either entirely omitted in this Bill or are imperfectly accomplished, and that unless the Legislature of St. Vincent's take them into their serious consideration, and make some further provision on these subjects, they will not have satisfied the expectations of Parliament or the public.

Of the omissions there are no less than six in number. First, no provision is made respecting the office of Protector and Guardian of Slaves. Secondly, the use of the whip for the punishment of females is not prohibited. Thirdly, no presumption of inflicting an illegal punishment is declared to arise against the owner on the production of the person of the Slave exhibiting the traces of recent punishment accompanied by his own probable and consistent statement of the fact. Fourthly, there is no regulation respecting the separation of families under

judicial process. Fifthly, the subject of Savings Banks is altogether omitted. Sixthly, no incapacity of holding Slave property, will follow upon convictions for cruelty however frequent.

Upon comparing the corresponding provisions of the present Act, and of the Trinidad order in Council His Majesty has been gratified to perceive, that the Council and Assembly of Saint Vincent's have to a considerable extent adopted the measures which, under my instructions, you suggested to them.

I am, however, to direct your attention to those deviations from the Law of Trinidad, which appear to be of essential importance, and for this purpose, I shall pursue the order which the Act itself has observed.

Possession and Employment of Property.—With respect to the possession of property, I remark that the Slave is not enabled to maintain an action, whether in his own name or that of any other person; neither is any provision made for the securing the payment of money lent by a Slave, or of any legacy bequeathed to him. If the property of a Slave be sold to his owner or manager, there is no provision for enforcing the payment of the purchase-money; and even in the case where the Slave is unlawfully deprived of property, the law is silent respecting the manner in which, or the person by whom the complaint is to be advanced and proved, if the owner or manager should be the party offending. I observe also, that the Slave is prohibited from holding land, even in the smallest quantity.

In all these respects, more particularly that part which does not provide the Slave with the legal means of redress if he be unlawfully deprived of his property, the provisions respecting the property of Slaves are defective and inadequate; and they will therefore require the early and careful revision of the Legislature.

Observance of Sunday, and Sunday Markets.—With respect to the observance of Sunday as a day of rest, and the abolition of markets on that day: I am to remark, that the Act appears to contemplate the continuance of Markets until ten o'clock on Sunday morning, as a permanent regulation, and not in the light of a temporary relaxation of the principle, until adequate provision be made for the religious instruction of the Slaves. The prohibition of labour on the Sunday, extends only to that period of the year, during which the crop is taken. There is no general prohibition of employing Slaves in any description of labour except that of the plantation on Sunday, nor is any plan devised for ensuring to them a remuneration for such necessary works as they may undertake upon the estate for the benefit of the master on that day.

Marriage.—Regarding marriage, it is to be noticed, that no provision is made by this Act for the case of an improper and capricious refusal on the part of the owner to sanction the marriage of his Slaves. The right of celebrating marriages is confined to the Clergy of the Established Church. There is no provision for registering the marriage of Slaves. The general declaration, that marriages of this nature shall to all intents and purposes be binding, valid, and effectual, is omitted. But the qualifying words introduced to obviate the injurious consequences to the master, with which that declaration was supposed to be pregnant, were retained. There is an additional qualification, the object of which it is difficult to perceive. The Act declares, that the marriage is not "to subject "the Slaves to any penal infliction, the effects of which might destroy the "rights, or injure the property of their owners."

Upon both these very important branches of the subject, the Legislature will therefore perceive, that some important alterations are necessary.

Manumission.—On the subject of manumission, this Act has made an imperfect approach to the law of Trinidad. No means are devised for enabling persons to manumit Slaves, in whom they have a partial or temporary interest. The Slaves of persons labouring under any legal disability of infancy, insanity, or coverture, will remain incapable of acquiring their freedom. No security is taken against a Slave, paying the price of his freedom to a person who has no legal title to effect the manumission. No officer is charged with the duty of superintending the form and enrolment of the deed of manumission; and no provision is made to secure to the Slave his manumission, on his being able to pay the price of a fair and equitable appraisement, should his master refuse to accede to such a valuation.

As this measure is of equal importance, and closely connected with the im-

provement of the condition of slavery, you will direct the very particular observation of the Council and Assembly to the preceding remarks, and you will apprise them that His Majesty's Government will anxiously expect an additional Act, introducing a much closer resemblance to the law of Trinidad for the manumission of Slaves.

Domestic Punishments.—The infliction of punishments by the domestic authority of the owner, is the next in order of the topics to which the Act adverts. I perceive that it does not distinguish between the punishments of the different sexes. The extremity of legal punishments which the master may inflict by his own authority, is fixed at thirty-nine, instead of twenty-five lashes. No interval is required to elapse between the commission of the offence and the infliction of the punishment. The presence of a free person, as a witness, is not required. I remark also, that there is some ambiguity in the language of this Act, upon which it is possible, that a doubt may arise, whether an overseer or driver, or other subordinate agent, could be convicted under it; nor does it seem perfectly clear, whether the grammatical construction would not require the actual presence of the owner, in order to the completion of the legal offence of excessive punishment.

The Council and Assembly will, of course, correct all minor inaccuracies of this nature, as soon as their attention is directed to them, nor will they, I trust, be unwilling to supply the more substantial omissions which I have pointed out in their rules respecting domestic punishments.

In immediate connexion with this subject, I have to observe, that the Act authorizes the punishment of persons preferring groundless complaints of excessive domestic punishment. While I am ready to admit, that a Slave must not be permitted to avail himself of his liberty to complain, as a channel for calumnious accusations against his master, I must, at the same time, remind you, that unless punishments of this nature are administered with extreme caution, they will have a direct tendency to prevent the most just and reasonable complaints; the law consequently ought not to authorize the punishment of a complaint, simply because no conclusive proof is adduced to justify it; but the party against whom the complaint is made, should be required at least to prove that it was groundless or frivolous (if not malicious) before the party complaining is punished for preferring it.

Record of Punishments.—The records of domestic punishments required by this Act, will be an inadequate substitute for the rules established by the Trinidad Order in Council. The record is limited to one description of punishment, that, namely, of whipping. No specification is necessary of the time and place at which the offence is committed, or of the names of the persons inflicting and authorizing the punishments. No penalty is provided for the cases of false entries, fraudulent erasures, or wilful destruction of the record. No periodical return is required of the contents of the record books. The accuracy of the book is not to be verified by the oath of the owner or of any other person. I fear, therefore, that this part of the measure, can scarcely be attended by that good effect which, I trust, was intended by the Legislature.

The use of the Whip in the Field.—The provisions respecting the use of the whip in the field, are so constructed, that a free Negro might use it with impunity, and that even a Slave might be employed to use it, if it were not carried as an emblem of authority, but as a means of impelling other Slaves to labour. The prohibition extends only to one description of whip, viz. "that which is usually called the cart whip," and it is only upon the plantation or estate that it is prohibited at all. In other places it might be exhibited, even by a Slave, with impunity.

It is obvious that these rules will require a careful revision.

Evidence.—The law of Slave evidence, as established by the Act under consideration, will exclude the evidence of unbaptized Slaves, or of Slaves baptized among any body of Christians dissenting from the Established Church. The Act will also exclude all Slaves who are not sufficiently well known to some clergyman to obtain a certificate from him of their good character and repute, and of their being sufficiently instructed in the principles of religion, to understand the nature of an oath. Now as the term "clergyman" is inapplicable to a dissenting minister, the Act will virtually disqualify as witnesses the disciples of that class of religious teachers. What is still more objectionable is the ne-

cessity of obtaining a certificate to the same effect from the proprietor, or his attorney, which will prevent the Slave being heard as a witness in any case where the proprietor or his attorney has any motive for preventing it. The Slave cannot be admitted as a witness in any civil case; and even in criminal prosecutions he cannot be heard against his owner, or manager, or his delegates. The testimony of a single Slave, though supported by the clearest circumstantial evidence, or even, perhaps, by the testimony of another witness of free condition, would not under this Act be sufficient for a conviction. I observe, also, that the Legislature of Saint Vincent's have not established a Public Record for the registration of the names of Slaves competent to give evidence.

You will point out to the Council and Assembly the expediency of reconsidering these provisions of their Act, in reference to the preceding observations.

Additional provisions for improving the condition of Slaves.—This Act contains various provisions for the protection and benefit of the Slaves which the Order in Council of Trinidad did not contain, and His Majesty has observed with great satisfaction the regulations for limiting the daily period of labour: for allowing twenty-six days, in addition to the Sunday, for the cultivation of provision-grounds: for medical attendance; for the encouragement of population; for the protection of freedom, and for the prevention of cruelty.

Criminal Law.—Among the rules of Criminal Law for the government of Slaves contained in this Act, are those for the punishment of Slaves carrying away boats, and of free persons aiding in the offence. The criminal intention, which is to constitute the offence, is declared to be the intent to "take and carry away the boat." It should seem that the mere intent to carry away, as distinct from the intent to steal, might in many cases be innocent and justifiable.

Obeah.—The penalties denounced against the crime of obeah, are, I am aware, a part of the ancient law of the Island. It is earnestly to be hoped that the progress of religious instruction may speedily put an end to the necessity of such enactments, by eradicating the superstitions against which they are directed. But even if the prevailing ignorance of the Negro race required the prevention of such practices by legal provisions, it may be reasonably doubted whether death is not a punishment of undue severity, and it is clear that the terms employed in this Act to describe the offence would include many of the ordinary and innocent actions of daily life. It will be necessary to revise this part of the Act, to obviate certain constructions of it, which, though justified by the mere words of the law, cannot be consistent with the real intention of the Legislature.

Burglary and Theft.—I observe that the distinctions between a burglarious and a peaceable entry into a dwelling-house, and between the actual commission of theft, and the intent to commit it, are disregarded.

Personal violence.—If any free person is "injured" in body by a Slave, the punishment is capital; a penalty of extreme severity when the comprehensive sense of the word "injured" is considered; and this clause therefore requires revision.

Rebellion.—Among the catalogue of the capital crimes are to be found the offences of rebellion, and rebellious conspiracy; but the Act supplies no definition of these words, nor am I aware that they have any technical or appropriate sense in the law of England.

It is highly necessary, therefore, that expressions so vague and indeterminate, should not be employed without some authoritative interpretation of their meaning.

Imagining the Death of a White Person.—The mere imagination of the death of a white person, declared by an overt act, is also made a capital crime. If it be necessary to extend to private persons the safeguard with which the law of England has protected the life of the King, it is, at least, a measure of extreme rigour to render the offence capital; nor indeed is it obvious, why a felony of so peculiar a character should be established by the law of St. Vincent's, while it continues unknown to the Slave Codes of the greater part of the neighbouring Colonies.

Indemnity to the Owner.—In cases of capital conviction, the owner is to be indemnified by the public for the loss of his Slave. Without disputing the propriety of such a measure in some occasional and peculiar cases, it may be productive of great mischief and injustice, as a general rule. It deprives

the master of a strong motive for preventing the commission of crime among his Negroes, and it deprives the Slave of the protection which the self-interest of his master might otherwise afford him on his trial. Nor is it consistent with justice that the master should, in all cases, be indemnified by the public, without some inquiry, how far his own neglect of domestic discipline and instruction may have occasioned the offence for which the Slave has suffered.

Unlawful Meetings.—The prohibition of meetings held for any " unlawful or dangerous purpose," is probably necessary; but, considering that the punishment is capital, the character of the offence ought to be ascertained more distinctly, than by words so indefinite as these.

I abstain from commenting upon various passages in this Act, which, perhaps, could not stand the test of a rigid verbal criticism. Whenever a general revision of the law is undertaken, His Majesty's Law Officers in the Colony should be instructed to consider carefully how far such passages may admit of correction and improvement.

Upon a review of the whole of this law, I am commanded by His Majesty to express his satisfaction with the general disposition of the Council and Assembly to adopt the recommendations which have been addressed to them, upon this important subject. But I have it further in command to signify to you, that His Majesty's expectations will not be satisfied, until the law has been revised and amended, with reference to the observations contained in my present despatch.

I have, &c.
(Signed) BATHURST.

Sir Charles Brisbane, K.C.B. &c. &c.

TOBAGO.

No. 1.

SIR, *Downing-Street, March* 19, 1826.

WHEN I had the honour of communicating to you the Resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of Tobago, some of the measures which His Majesty's Government recommended for improving the condition of the Slave Population. In 1824, I had the honour of communicating to you a copy of the Trinidad Order in Council, containing, with the others, the further measures which His Majesty's Government considered it to be their duty to propose for carrying into effect in His Majesty's Colonies the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave Population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, the means of acquiring their freedom, or that of their families; and, on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing you to lay this Order before the Council and Legislative Assembly, I thought it desirable, in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable for taking all these several measures under their consideration.

Since that time, the attention of the Legislature has been twice called to the subject. The Legislative Assembly at first asserted, that prudence would not allow them to add any thing to the provisions of the Slave Court Act; and I learned, with regret, that they afterwards declined to resume the subject, diverted from it, as they allege, by circumstances, of which, as they have ended in the dissolution of the Assembly, I shall only say, that they ought not to have been regarded as of such paramount importance as to preclude the consideration of what had been so repeatedly recommended to the Assembly. With regard to the observations of the Legislative Council, which were transmitted in your Despatch of the 4th of November last, I trust that further explanation will induce that body to extend the limits within which they had decided to confine their co-operation in measures of reform.

You will, in addressing yourself to a new Assembly, have to communicate to them the unanimous concurrence of the House of Lords with the Resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication you will take the proper steps for having bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Tobago.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may

have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The new Assembly will thus be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the resolutions of the two Houses of Parliament; and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these bills, to congratulate you and the Legislature of Tobago, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament. Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the report of the Commissioners of legal inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the Courts of Justice in the Island.

I have, &c.

Lieut-Gen. Sir F. P. Robinson, K.C.B. (Signed) BATHURST.
&c. &c. &c.

No. 2.

SIR, *Downing-Street, May* 21, 1826.

IN my Despatch to you, dated the 19th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council, classed under separate heads.

Vide Bahamas, Part I.

In the enclosed Papers will be found all the provisions of the Order in Council of the 10th March 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, the office of Protector and Guardian of Slaves. Secondly, the admission of the evidence of Slaves in civil and criminal cases. Thirdly, the manumission of Slaves. Fourthly, the intermarriage of Slaves. Fifthly, the observance of Sunday and the abolition of public markets on that day. Sixthly, the acquisition of property by Slaves, and the establishment of savings banks for the better protection of it.—Seventhly, the separation of families under judicial process. And, Eighthly, the punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th March 1824.

Printed for Parliament, Session 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's Government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Tobago. I am aware also that upon some of the topics comprised in these Papers, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws of the Island, and that without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which His Majesty's Government desire to introduce, and I have for this purpose adopted the form and language of Legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any Laws in which the Legislature of Tobago may effectually embody these principles, and give effect to those intentions, however much such Laws may depart from the enclosed drafts in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the Law Officers of the Crown within your Government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's Government, as explained in the enclosed drafts. In performing this duty, they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Court Act, and to any other of the existing Laws of the Colony in which the same, or the like provisions as are contained in these drafts, may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you, in writing, every material observation which they may have to offer upon the form and structure of the proposed Laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding, on this occasion, with such discretion, and with such a regard to the constitutional privileges of the Council and Assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those Bodies.

Upon this subject you will exercise your own judgment with all the advantage to be derived from your acquaintance with the established usages of the Colonial Legislature.

At the conclusion of the Session you will transmit to me, with the least possible delay, a Report of the progress which may have been made in carrying these intentions of His Majesty's Government into effect; and, in case that this object shall not have been effectually accomplished, you will accompany that Report by a distinct reference to each clause of each of the drafts enclosed, stating, in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will, at the same time, call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject; and I cannot close the present despatch without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly.

I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before His Majesty Acts of the Assembly of Tobago, fully carrying into effect the spirit of the various provisions, which, by His commands, I have now the honour to transmit to you.

I have, &c.

Lieut.-Gen. Sir F. P. Robinson, K.C.B., &c. &c. &c. (Signed) BATHURST.

No. 3.

My Lord, *Tobago, June* 29, 1826.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches of the 10th of April, 21st and 25th of May, and, with that of the 21st, eight drafts of bills, for meliorating the condition of the Slaves; together with a copy of your Lordship's correspondence with the Governor of Trinidad and the Lieutenant-Governor of Demerara.

I have, &c.

The Right Hon. Earl Bathurst, K. G. &c. &c. &c (Signed) F. P. ROBINSON.

No. 4.

Extract from a Despatch from the Officer Administering the Government of Tobago to Earl Bathurst, dated August 5, 1826.

MY last communication will have informed your Lordship that I had prorogued the two Houses of Legislature to this day, for the reasons therein stated, and being anxious to show your Lordship that no unnecessary delay has taken place in submitting to the Legislature the important subject contained in your despatch, dated the 21st of May 1826, I now forward to your Lordship a copy of my Address to the two Houses upon opening the present Session, which I hope will meet your Lordship's approbation.

I also transmit, for your Lordship's information, the Attorney-General's Report upon the proposed measures, on comparing them with the existing laws.

Extract from the Speech of the Officer Aministering the Government to the Council and General Assembly of Tobago, dated 5th August 1826.

I HAVE now the honour to submit, for your information, the measures contained in the papers, Nos. 1 to 8, which His Majesty's Government, under the strong recommendation of Parliament, and the wishes of the people of the United Kingdom, request should be adopted for meliorating the condition of the Slaves in this colony, by the enactment of such laws as may be necessary to give legal effect to these regulations. In calling your attention to this important subject, I am commanded to make the communication to you with every respect to your constitutional rights and privileges; and with the conviction I feel of your anxiety to do every thing that is right, I now with perfect confidence submit the proposed measures as they are to your wisdom, knowing the ample abilities you possess to give full legal effect to them when comparing them with the existing laws, and I should do great injustice to a subject, which is of such vital import to the best interests of the colony, were I not to implore your favourable consideration of the communications which I have now the honour to submit to you, in conformity with instructions from Earl Bathurst, contained in a duplicate dispatch from his Lordship, dated the 21st May 1826, which I have received since the departure of his Excellency Sir F. P. Robinson.

SIR, *Belvidere, Tobago, August* 3, 1826.

HIS Excellency Sir Frederick Robinson, previous to his departure from the Colony, transmitted to me, by direction of Earl Bathurst, the various proposed enactments for the amelioration of the condition of the Slave population in this Island, with orders to investigate how far they might be arranged so as to agree with the existing laws of the Colony, and to report in what form it might be expedient to introduce them to the consideration of the Legislature.

I have now the honour of submitting that report to your consideration, as Administering the Government of the Colony, and have only to express my hope that the urgency of the subject, and the extent and magnitude of its details, will apologize for the imperfect manner in which it may be treated.

In the following suggestions, I, of course, act purely *ministerially:* it becomes me not to decide upon the expediency or inexpediency of enacting any particular measure, a question, the determination of which belongs purely to the Legislature; but I have humbly endeavoured, on the supposition that the Legislature may be disposed to second the views of His Majesty's Government, to arrange those measures which have been recommended by them in such a form as may make them, if enacted, combine with the present laws of the Colony, without leaving on its Statute-book any conflicting or doubtful enactments on the subject to which they relate.

To accomplish this very desirable end, it appears to me of primary importance, that any Slave Code to be enacted, should not only comprise such new ameliorating propositions as may be deemed expedient, but should also repeal such old laws as may be no longer requisite in practice; and consolidate into one act all the rules prescribed for the treatment of that class of the population. Such a measure, however, requires great care and attention, and I am by no means prepared to say, that the drafts I have made of the bills proposed by Government, to be presented to the consideration of the Legislature, are by any means so correct as not to be found to require considerable additions when they come to be submitted to the scrutiny of a committee. So far, however, as I have gone, I trust I have kept these principles in view, and I submit to you the result of my deliberations as affording, at least, a ground work whereon to proceed.

Proposing, as I do, to new model the Slave Code entirely, it appeared to me unnecessary to retain the form of so many distinct bills as were presented by the *Heads* transmitted by His Majesty's Government. I consider the whole of the proposed new system dependent on the appointment and efficiency of the office of Protector of Slaves, and, therefore, while I propose combining all the other seven Heads of instruction sent out under one bill, and consolidating them with such parts of the regulations at present in force as it may be expedient to retain, I think it of material importance to keep the bill for the appointment of a Protector of Slaves separate and distinct, as on the passing of such a law previously to the consolidation of the other parts of the code, will, in a great measure, depend the due execution of the other provisions contemplated by His Majesty's Government.

With regard to this first Head, I beg to report to your honour, that it appears to me the proposed enactments transmitted by His Majesty's Government, are arranged in a form sufficiently well calculated to attain the end proposed, except in one or two particulars, which I have accordingly altered in the draft I have made of this bill. These are, first, that I consider it would be extremely hard, and even injurious, to the public service, on every occasion, to compel the Protector of Slaves to seek leave of absence from *His Majesty*, however urgent the call might be, to cause him to visit even the nearest island, and however short the period of his absence might be. I cannot think the public service could suffer by its being left in the power of the Commander-in-Chief, for the time being, to give such limited leave as might be required on an emergency; for which period, of course, a Deputy Protector would require to be appointed.

I have left the clause appointing Assistant Protectors to be dealt with at the discretion of the Legislature, though I am myself of opinion that local circumstances may not make it expedient to appoint so many as one in each

parish. If those Assistant Protectors, as it would appear, are to be salaried officers, an additional objection to maintaining such a number will arise, and the division of the island into three or four districts, with an Assistant Protector to each, will, perhaps, be deemed quite sufficient.

I have in one other particular deemed it right to alter the form of this bill. By the draft transmitted, it would be in the power of the Governor, or Commander-in-Chief for the time being, whenever he considered the Protector to have contravened any one of the provisions for the regulation of his conduct, to have of his own will, an advertisement inserted in the Gazette, declaring his forfeiture of office. This summary and absolute jurisdiction appears to me inconsistent with that perfect independence which the Protector, above almost any other public officer in the Colony, ought to enjoy. I therefore propose instead, that in case the Protector should incur any of the forfeitures for which he may be deprived of office, that the Governor, with the advice of the Privy Council, may *suspend* him from the exercise of his functions, and fill up the situation by the appointment of a Deputy, until His Majesty's pleasure can be known. While this mode would prevent any injurious exercise of power, it seems to me sufficient to guard against the occupation of the office by any person who may become disqualified, which is the object apparently of His Majesty's Ministers in framing the clause in the manner I have stated.

I cannot conclude my observations on this act, without pointing out to your honour that, though it repeatedly alludes to the Protector's salary, yet no enacting clause is introduced to give him one, nor any source pointed out from whence such salary, as also the expences incidental to his office, can be drawn. Not being in the least aware of the intentions of His Majesty's Government on this point, I am compelled to leave that part of the project in its present state of obscurity.

I now, Sir, beg to draw your honour's attention to the form requisite to be given to the Consolidation Bill, which is in every way an enactment requiring the most serious attention. Pursuing the plan proposed by me, I beg to report, that I am decidedly of opinion its first clause should contain a *repeal* of *all* the Slave Laws now in force, and of the various parts of such other enactments as, though not directly professing to be for the good order and government of Slaves, may yet contain clauses inconsistent with the code proposed to be adopted. This will require a very careful perusal of the records of the laws; as while several acts require generally to be repealed, they still contain clauses proper to be re-adopted. Of the Slave Court Act this is peculiarly the case, as, with the exception of one or two clauses to be expunged, and some others modified and amended, I am of opinion it should be taken as the basis of any new system; annexing thereto such of the measures recommended by His Majesty's Government as the Legislature may adopt.

The first alteration I would recommend adopting, is the striking out of the present second clause of this act the felony created by "compassing the death of any white person," as urged by His Majesty's Government in their earliest communications on this subject; I cannot help thinking sufficient protection against crime will still exist, though the clause should be so altered.

There can be also but little difficulty, I think, in meeting the wishes of Government, in making the maiming of cattle a misdemeanor, instead of a felony.

An important point for the consideration of the Legislature will arise in discussing this clause; I mean whether the *amount* of goods or money, stolen by a Slave to constitute a capital felony, should continue the same as by the law of England existing here, it is at present in the case of free persons. I would beg to suggest, as my opinion, that the amount should be considerably increased, as to my mind it appears rather to retard than facilitate the administration of justice to compel the public prosecutor to have recourse to a grand jury &c. for every petty larceny committed by a Slave. The delay too, which thus arises between the commission of the crime, and its trial, is productive of serious inconvenience.

I have, therefore, in a subsequent clause, proposed a different mode for the trial of petty larcenies under the amount of any fit sum to be fixed by the Legislature, by directing their trial before a Petty Session of the Peace, with

the assistance of one of the Judges, within ten days after the committal of the criminal; and by submitting to the consideration of the Legislature the propriety of directing the Justices to record all their proceedings in the Secretary's Office. This plan, if adopted, will be infinitely less severe on any offending Negro; justice will be more prompt, and the country put to much less expence than by the present mode of trial. In fact, no injury appears to me at all likely to arise from its adoption to any one, save the loss of fees it will occasion to the Attorney-General, a matter which I am assured the Legislature will not overlook, if they should be of opinion the change were otherwise desirable.

Should the Legislature be disposed to coincide with the views of His Majesty's Ministers on the subject of the testimony of Slaves, the 22d clause of the present Slave-Court Act must be considerably altered. As that question, however, will be raised when a discussion takes place on the Slave Evidence Bill, as transmitted by Government, I have, in my present draft of this bill, merely altered the clause so far as to admit their evidence in *all criminal cases* without reservation, an extension of the clause, which is, I believe, in accordance with the general sense of the colony.

Clause 25, establishing Guardians, will become useless on the appointment of a Protector, and is therefore expunged; and the 35th, being more fully expressed in the proposed alterations, may be so also.

With the exception of several minor alterations, I observe nothing else in this act requiring me particularly to draw your honour's attention to it; and its other clauses may, I think, be connected with sufficient clearness and precision with the new regulations proposed by Government, which I have accordingly appended without further alteration than the mere verbal correction of some passages for the purpose of enabling them, if passed into laws, to be carried into execution by the Colonial Authorities.

Several clauses of the Bill for the observance of the Lord's-Day, are rendered unnecessary by the Sunday market having been abolished in this island some years ago. And the provisions for remunerating the proprietors of markets may also be expunged, no person holding any such rights in this colony.

I have already pointed out to your honour what I propose in the 22d clause of the Slave Court Act, whereby the testimony of Slaves would be received in *all criminal* cases. So far as such cases, therefore, are concerned, the certificates proposed to be granted by the Evidence Bill, to render a Slave a competent witness, would be *restricting*, instead of enlarging, the rights he enjoys at present. It is, however, a matter for the Legislature to judge whether any such system of rendering Slaves competent witnesses in *civil* suits can be adopted with advantage. I myself doubt, at present, of its advantage, or even its practicability. These, Sir, are a few of the most important points which, in obedience to the commands laid on me, I have deemed it proper to call your attention to.

I beg to conclude, with the expression of my conviction, that, if the Legislature should think fit to adopt the suggestions of His Majesty's Government, a law, embodying them somewhat in the manner I have attempted to detail, will be preferable to framing distinct and separate enactments on each head; and, if the *principles* they contain are deemed unobjectionable, I am of opinion their present wording and arrangement is sufficiently well calculated to attain the objects in view.

The question of principle is one solely for the consideration of the Legislature; but to me they appear throughout framed with the most anxious care, to prevent any serious injury to the proprietor, while they certainly contain many enactments, which, if carried judiciously into effect, would confer lasting benefits on the Slave.

I have, &c.

(Signed) WILLIAM MACBEAN,
Attorney-General of Tobago.

His Honour William Brasnell, President, Commanding,
&c. &c. &c.

No. 5.

Extract from a Despatch from the Officer Administering the Government of Tobago to Earl Bathurst, dated August 23, 1826.

MY despatch of the 5th instant will have informed your Lordship, that I opened the present session by an address to the two Houses of Legislature, a copy of which I then transmitted, and I now beg leave to forward to your Lordship copies of the reply made to that communication by the Council, and the House of General Assembly.

The Legislature are still occupied with public business, and will probably remain so for ten days; I have no expectation that they will come to any decision at the present Session upon the measures submitted to their consideration by order of your Lordship's despatch of the 21st of May; and the very great importance of the subject, in every point of view, entitles the Legislature to a reasonable time for deliberation, which I believe will be done, by the appointment of a Special Committee from each House to consider the proposed alterations, and to report their opinion at the next session, which, in the regular course, will be in October, and I sincerely hope that it will be favourable to your Lordship's wishes: but there are great apprehensions entertained of serious evil arising from the appointment of a Protector of Slaves being vested in a person who may be wholly unacquainted with the dispositions and habits of the Negroes, and upon whose mind prejudice may have a powerful effect. I am no advocate for the continuance of slavery, and lament extremely that it ever existed: I presume to say this to your Lordship in proof of my anxious desire to accomplish the amelioration of the Negroes as early as their happiness, and the general safety will admit; but it is a subject which you well know, my lord, requires the exercise of patient and serious deliberation.

Extract from the Address of the Legislative Council of Tobago to the Officer Administering the Government, dated August 9, 1826.

THE subject of the proposed new regulations for ameliorating the condition of the Slave, (as adverted to by your honour in your speech) shall have our best consideration, and we will endeavour to give full force and effect to such as will not militate against the true interest of the Colony. For rest assured, Sir, we are fully aware of the importance that must naturally be attached to the adoption of such measures, and when discussing their merits, we trust our deliberations will be guided by temperance and prudence, so that when we shall have completed the task imposed, your Honour, as well as His Majesty's Ministers, will find we have viewed the subject dispassionately, and on liberal principles, and have endeavoured to meet their wishes as far as was consistent with the true comfort and real happiness of the Slave, and the interest and safety of the Master.

No. 6.

SIR, *Downing-Street, October* 23, 1826.

I HAVE received your letter of the 5th of August last, and I have to call your attention to the following instructions in my despatch of the 19th of March last.

" On the receipt of this communication you will take the proper steps for having bills drawn up for carrying these measures *severally into effect*, in such manner as may be most conformable to the existing laws of Tobago.

" When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, *so that the Assembly may have them separately before them.*"

And I have to request that you will explain whether any measures have been taken for obtaining the important object which these instructions, thus specially directed, should be carefully kept in view, viz. that of securing a separate consideration of the several bills and respective decisions.

I have, &c.

(Signed) BATHURST.

The Officer Administering the Government of Tobago,
&c. &c. &c.

No. 7.

Extract from a Despatch addressed to Earl Bathurst by the Officer Administering the Government of Tobago, dated 26th January 1827.

IN the morning of the 23d instant, the day on which the Legislature were to meet, I received the Letter which I have now the honour to enclose, from the Attorney-General, together with the eight bills therein referred to, and having delivered these acts to a Member of the House of Assembly, who promised to bring them forward, I opened the session that day by an address to the two Houses, of which I transmit your Lordship a copy. One of the Members of Council being ill, no business can be done, which prevents my receiving an answer from that branch of the Legislature.

Sir, *Belvidere, Tobago, January* 23, 1827.

I HAVE now the honour of transmitting to you the Drafts of eight Bills for carrying into effect the measures proposed by His Majesty's Government for the amelioration of the condition of the Slave Population; and in these drafts I have carefully kept in view the provisions of the drafts transmitted along with Earl Bathurst's despatch of 21st May last, which I have only departed from in the undermentioned particulars, and for the following reasons, viz :—

I.—Savings Banks Bill.

Clause 1.—The proviso respecting the mode of cultivating land acquired by Slaves is left out, there being no Law in this Colony imposing restrictions on them in this matter.

II.—Bill for Prevention of illegal Punishments.

Clause 18 omitted.—As the present Law, in all cases of undue punishment admitting the *direct testimony* of the Slave injured, it does not seem at all requisite to resort to the *presumption*, arising from the marks of stripes.

III.—Sunday Market Bill.

This is in a great measure anticipated by the Act of 1823, suppressing such markets in Tobago. Clauses 2 and 3 are, therefore, omitted as unnecessary; Clause 5 is inapplicable.—No person holding any proprietary rights over markets in this colony: the other provisions have been embodied in a bill.

IV.—Bill to facilitate Manumission.

There being no tax on manumissions in this colony, clause 1 is almost unnecessary; as, however, it varies, though slightly, from the present practice, I have inserted it.

Clause 9 is omitted entirely, the existing Law regarding voluntary manumission appearing to me more humane, and to meet more fully the wishes of Government on this point, than the method proposed by taking bond, previous to the manumission being effected.

V.—Bill to regulate Evidence.

This Bill is almost unaltered by me also, although in certain criminal cases the existing law admits Slave evidence more unrestrainedly than in the mode proposed to be done here.

Almost all the other alterations introduced by me are mere matters of form, for the purpose of adapting the measures to our Colonial institutions and practice: and in obedience to your honour's command, I have now the honour of submitting the result of my labours to your consideration.

I remain, &c.

(Signed) WILLIAM MACBEAN,

His Honour the President. Attorney-General of Tobago.

Extract from the Address of the Officer Administering the Government of Tobago to the Council and General Assembly, dated January 23, 1827.

IT now becomes my duty to call your early and most serious attention to the several measures recommended by His Majesty's Government, for the establishment of laws to ameliorate the condition of the Slaves, which I had the honour to submit to you at the August session. I am well aware of the very great importance of these regulations to the real advantage of the Slaves, and the safety of the Colony, but great as I know the difficulties to be which surround this question, I feel confident that your wisdom and discretion will induce you to consider the proposed alterations, with an anxious feeling to meet the wishes of His Majesty's Government, as far as they can be carried into practice with safety. If, however, any of the measures should appear to you, upon serious deliberation, to be of such a nature as to require you to reject them, I should be glad to receive the reasons upon which the refusal may be grounded, as I feel perfectly assured that nothing but well founded objections will ever induce you to oppose the recommendation of His Majesty's Government and the Parliament of Great Britain; and I earnestly entreat that you will not permit the present sesssion to terminate, without enabling me to transmit your decision upon this subject to the Secretary of State for the Colonial Department.

The recent visit of the Lord Bishop of Barbadoes and the Leeward Islands to this part of his Lordship's diocese, has been attended with those happy results which every inhabitant felt must ensue from his Lordship's personal knowledge of the community; and I am happy to say, that the mild and reasonable method in which his Lordship proposes to instruct the Slave population in religious duties, has left my mind impressed with a conviction, that it will be received with general satisfaction, and be soon adopted. It is also a subject of infinite gratification to me to be enabled to state to you, that his Lordship left the colony, expressing the highest satisfaction of all he had seen, and his anxious desire to return to it as early as possible.

Extract from the Address of the General Assembly of Tobago to the Officer Administering the Government, dated January 26, 1827.

EVER since your Honour laid before the House the despatch of the Right Honourable the Earl Bathurst, containing the suggestions of His Majesty's Government for the improvement of the condition of the Slave population, we have never ceased to dedicate our best attention to the consideration of recommendations so important. We appointed a Committee so far back as the 23d of August last, to investigate the subject, and to report thereon to the House; a report which has only been delayed by the difficulties which the Committee found to embarrass them at every step that they advanced in their consultations. We have, within the last day or two, resolved, that the Committee do speed their report, and we are not without hopes that it may be made in the present session; and when the House have discussed the report, we will lose no time in making a communication to your Honour of our views of the measures so earnestly pressed on us for adoption.

Your Honour will do us the justice to believe it to be more than empty profession, when we assert that we heartily rejoice at the happy results of the visit of the Lord Bishop to this part of his diocese.

It is with every satisfaction we have heard, that the method in his Lordship's contemplation, for the instruction of the Slave population in religious duties, has met with such high approbation from your Honour.

No. 8.

My Lord, *Sans Souci, Tobago, January* 27, 1827.

THE Legislative Council having formed a board this morning, I am now enabled to enclose your Lordship a copy of the address which has just been presented to me by that branch of the Legislature.

(Signed) WM. BRASNELL, President.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Address of the Legislative Council of Tobago to the Honourable William Brasnell, President, Commander-in-Chief, Ordinary and Vice Admiral of the same, dated 27th January 1827.

WE have frequently expressed to your Honour and to His Majesty's Government, our readiness to enter upon the discussion of the important measures recommended by His Majesty's Government for the amelioration of the condition of the Slaves, and we shall gladly co-operate with the House of Assembly in the consideration of this momentous subject. Should the present session terminate without the decision of the two Houses, so anxiously requested by your Honour, we venture to assure you that it will not be the fault of this Board, for we continue to feel that anxiety we have ever professed to promote—a progressive improvement in the character of the Slave population at the earliest period that can possibly be made compatible with the well-being of the Slaves themselves, with the safety of the Colony, and with a fair and equitable consideration of the interests of private property.

We feel extremely gratified at the results stated by your Honour to have already followed the much wished for visit of the Lord Bishop of the diocese. We look forward with pleasure to his promised return; and we beg to assure you that every effort of your Honour, in co-operation with his Lordship, to promote the civilization and Christian instruction of the Slave population, shall have our cordial and active assistance.

Council Chamber, January 27, 1827.

No. 9.

Extract from a Despatch addressed to Earl Bathurst by the Officer Administering the Government of Tobago, dated 21st February 1827.

I TRANSMIT to your Lordship an Address and Report from the Legislative Council, upon the ameliorating Laws proposed in your Lordship's Despatch of the 21st May last, and the Address and Report from the House of Assembly upon the same subject.

Your Lordship will perceive such important differences in the opinion expressed by the Council and Assembly upon the most essential points recommended by your Lordship, as to make it difficult to reconcile them as emanating from the same community; and I feel it my duty to state to your Lordship, that I consider the Address and Report from the Assembly to be much more in unison with the general sentiments of the inhabitants than the Report from the Council. The latter, I know, would have undergone considerable alterations if it had not been delayed until the last day of the session, when the subject could not be fairly discussed. The proposition that Government should pay a large salary to a Protector, without having the entire appointment, appears to me to be altogether unreasonable.

To his Honour William Brasnell, President, Commanding-in-Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary, and Vice Admiral of the same.

THE ADDRESS OF THE LEGISLATIVE COUNCIL OF SAID COLONY.

May it please your Honour,

WE, the President and Members of the Legislative Council of this Colony, approach your Honour with sentiments of esteem and respect, to detail to you the result of our labours, in regard to the very important subject of the proposed amelioration of our Slave Laws, to the consideration of which your Honour directed our attention at the commencement of the session. The results of that consideration will be found in the accompanying Report, embracing the various topics submitted to this Board by your Honour, which, having been confirmed by this Board, we now present to your Honour for your information, as to the views we entertain on this important subject.

We trust a perusal of this document will convince your Honour of our readiness to effect every thing that may be consistent with the well-being of the Colony, which can in any way benefit the Slave, and we venture to express our hope you will impress on His Majesty's Government the conviction, that the Legislative Council of Tobago possesses on this subject the warmest wish to accomplish all that genuine philanthropy can require, and that their rejection of one or two of the propositions submitted to their consideration, proceeds solely from a well founded conviction that they cannot at present be effected with a due regard to the interest of the public, or the rights of private property. (Signed) WILLIAM MACBEAN,

President of the Legislative Council.

Report of the Select Committee appointed by the Board of Legislative Council of this Colony, to consider of the proposed amelioration of the Slave Laws thereof, and to state the reasons for the rejection of any of the proposed alterations which may be deemed objectionable.

PREVIOUS to the surviving Members of your Committee submitting to the consideration of your honourable Board the following Report, as the result of the investigations confided to them, they must express their deep regret, that they were at so early a period of their labours deprived by death of the valuable assistance of the senior of their number, whose long acquaintance with the Colony, its manners, and the internal regulation of its plantations, rendered him peculiarly capable of affording them the greatest assistance, and whose liberality of feeling the surviving Members consider they are but emulating, when, in the course of the ensuing detail, they recommend the adoption of every measure likely to elevate the Slave in the scale of the moral creation, or to improve his physical condition, which can by any means be made compatible with the security of the Colony, and with an equitable regard to the legal rights of the Slave owner.

Your Committee beg to assure your honourable Board that it has been their anxious endeavour, in framing the following Report, to steer equally clear of innovating rashness on the one hand, or of ancient prejudice on the other. They think a period in the History of these Isles has come, when some of the rules and modes of Government, well enough fitted, nay absolutely requisite, for a ruder and earlier stage of their existence, may well be abrogated, and others more suited to the rapid march of intellect and civilization substituted in their place.

Before entering upon the detail of their labours, your Committee beg leave to call the attention of your honourable Board to the fact, so honourable alike to the Slave owner, as to the Slaves, that, 'mid all the vicissitudes of later years, 'mid prosperous and adverse seasons, and surrounded by sister colonies, in which the dissemination of anarchical principles has actually caused the sword to be drawn, and fear, apprehension and tumult to prevail, this Island, has maintained an unbroken, cheerful tranquillity, in which the turbulent wish for innovation is as little known as a complaint, or even surmise of general severity.

Your Committee from this infer, that in many of the alterations of the Law which they humbly suggest to the consideration of this Board, they will rather follow the stream of public opinion, than impel or oppose it. The common practice of the Colony is decidedly more liberal and humane, in regard to the Government of its Slave population, than the written code would lead an inexperienced person to suppose; and your Committee are of opinion such common practice should receive the sanction of positive Laws, for the purpose of detecting and punishing the instances, (though they be but few and rare) in which a contrary practice may be followed, but which to others, who know not the circumstances, may seem to give a character of severity to the Colonial Law and practice regarding Slaves, which neither of them deserves. The subject matter for the consideration of your Committee may be divided into two branches, first, the consideration of the Slave Law at present in force in the Colony, with the propriety of effecting any alterations in its provisions; and secondly, the consideration of the various new measures submitted on this subject by His Majesty's Government for discussion, with the admissibility and probable practical result of each suggestion in detail.

These branches your Committee will now treat of in succession. On the first head your Committee will take as their text the Slave Act of this Island, passed in 1823, an enactment reflecting infinite credit on its framers for the liberality of its *principles*, but which in detail requires numerous amendments, always incidental to a complete reversal of any system of legislation, such as, in regard to the Criminal Slave Code, was effected here by the Act in question. The following are the points appearing to your Committee most proper to be altered:—In the 2d Clause, they recommend that the capital offence of *maiming and wounding any white or free person, or other Slave*, shall be restricted to cases where such cutting and maiming was "*with intent to kill*," as unless the jury can, from the circumstances of the case, infer malice to this extent, your Committee are of opinion the punishment is disproportionate to the offence.

In the same Clause, your Committee recommend that the crime of *compassing the death of a white or free person* be struck out of the list altogether, as quite unnecessary for the protection of the free population, a dead letter blot upon the Statute Book, and as investing the Slave Code with an appearance of tyrannous suspicion wholly alien to the mildness of its administration.

Your Committee are, for similar reasons, of opinion, that the attempting by Slaves to kill, *by poison or otherwise, or the maiming or destroying of horses, mules, asses, horned cattle, &c.* should be transferred from the class of capital crimes to that of misdemeanours; still, however, reserving a capital punishment for one aggravated case, viz: the actual and felonious killing of those animals by poison or other inward applications; a crime the consequences of which may be so ruinous to the owner, the facilities for the accomplishment whereof are so numerous, and the means of detection so few, that your Committee cannot recommend to the Legislature to award any punishment short of the highest to its convicted perpetrator.

Your Committee further recommend to the consideration of the Board, to fix the sum which is to constitute the limit of petit larceny a good deal higher than it stands at present under the English common law, as the necessary consequence of requiring every larceny, however trifling, to be tried in the Supreme Court, has been to discourage such prosecutions altogether, and to give a kind of impunity to this crime. The imprisonment previous to trial is, in most cases, too great a punishment, while the lapse of, perhaps, half a year from the commission of the offence, ere the punishment can be awarded, takes away all appearance of connexion between them.

Your Committee recommend, instead of this system, that all larcenies under a fixed amount should be tried before the tribunal which has cognizance of misdemeanours committed by Slaves, and regarding the constitution of which they will, in a future part of this Report, state their opinion. An omission in Clause 3d of this Act should be supplied by requiring proof of a guilty knowledge, on the part of receivers of stolen goods, that the same were stolen. And in Clause 9th, your Committee would suggest the propriety of lodging the power of bail in the hands of the Chief Justice alone; and, in case of his absence or sickness, in the other two Judges, as instances are not

unfrequent in which, from the non-attendance of the requisite number of Judges, bail cannot, as the Clause now stands, be taken.

Your Committe now beg to direct the attention of the honourable Board to the 15th Clause of the Act, which creates a Court of Justices and freeholders for the trial of misdemeanours and petty offences, and to report, as their humble opinion, that the constitution of such Court should be altered. In so small a community, as it becomes impossible to vary the freeholders who are to act as a jury, so as to give them the genuine character of such a body, and, in point of fact, not above five or six persons have ever been summoned under this Clause to act as jurors, so that, on each successive trial, the same jurors have invariably sat; moreover, as the law now in force requires every petty offence, however far distant from Scarborough, the place of its commission may be, to be tried at the Court-House there, this objection gains tenfold weight. The expence of summoning, the delays attending their absence, and the postponements which thus necessarily take place, are so many additional objections to this mode of trial; in lieu of which your Committee would recommend the trial of petit larceny, and all misdemeanours before a Court of not less than three Justices of the Peace, one of whom, at least, to be of the quorum, to sit under such rules as to the Legislature might seem meet, as near as possible to the place where the crime may have been committed, as a measure far better calculated to preserve the police regulations of the country, more prompt in its decisions, and by far more lenient to the Slave.

The 17th Clause provides for the punishment of Slaves giving false evidence in either of the Courts created by the act, but there seems to be an omission in not annexing the same punishment to free persons committing a similar offence in those Courts, which your Committee are of opinion should be made indictable in the Court of Grand Sessions. The Committee will not here enter on the questions arising from the present enactments in Clauses 19, 20, and 21, regarding the legal mode and measure of Slave punishment by their owners, as their consideration will more properly take place under the proposed new regulations in the second branch of this Report, but with reference to Clause 22, they earnestly recommend its being completely remodelled. When that Clause was framed, it was justly considered a great step to the establishment of the Criminal Slave Code on the foundations of humanity and justice, but the experience of upwards of three years has led your Committee to the conviction, that still more is required to give stability and effect to the system, and that more may with safety be accorded. Your Committee are of opinion, that while a professional Judge presides in our Criminal Courts, to direct attention to the rules and construction of evidence, while accused persons are allowed, as is the practice in these Colonies, the benefit of professional assistance in every shape, and at every stage of the proceedings; and, finally, when they reflect on the powerful efficacy of cross-examination in presence of a jury of white freeholders, merchants, or planters, as a means of eliciting truth, or detecting falsehood, there can be no possible objection to the removal of all legal disabilities affecting the evidence of Slaves on account of their condition; and that in *every Criminal Court* of the Colony, the testimony of a Slave should be put in point of *competency*, on the same footing with that of a free person. As the law indeed stands, it is fraught with monstrous inconsistency: two or more Slaves, who could give evidence on which to convict the murderer of their fellow Slave, are yet as nothing in the scale of legal demonstration, should the victim happen to be a person of *free* condition. This glaring absurdity of receiving or rejecting testimony according to the colour or condition of the individual to whom it has reference, ought immediately to be remedied, though, in passing, your Committee may remark this one out of a good many instances, in which the Criminal Code of the Slave is more lenient and protecting than that to which his owner is subject. Your Committee beg to call the attention of the honourable Board to the 31st Clause, which seems to them to proceed on very erroneous principles, in directing that runaway Slaves, confined in gaol, if not claimed in six weeks from their incarceration, shall be turned adrift on the public to starve or to steal as may best accord with their previous habits. The Committee, in lieu thereof, would recommend a recurrence to the ancient practice of selling such

Slaves for their fees, and they are the more confirmed in this opinion from observing, that, so late as December 1825, the Colony of St. Vincent has in its last ameliorating act adopted a similar rule.

Your Committee have forborne any discussion on the question of the efficacy of the Court of Guardians, established by the 25th Clause of this Act, in affording protection to the Slave, as they will have to consider that point under their second branch, when they come to treat of the proposed establishment of a Protector and Guardian of Slaves; and on this first head of their subject, your Committee have little to add, save to mention to your honourable Board, that there are still one or two enactments of very old standing that contain Clauses so little consonant with the spirit of the age, that your Committee are of opinion not one person in a hundred in the community dreams of such being in existence; but which, though long ago become obsolete and forgotten, ought not to remain longer unrepealed on the Statute Book. Your Committee are humbly of opinion that a consolidation of the Slave law, as it at present stands, with the amendments thereof above suggested, and several others of minor importance, together with such of the new measures proposed by His Majesty's Government, as it may be advisable to adopt into one Act, thus comprehending the whole Slave Code, would be a measure at once conducive to certainty, precision, and a correct understanding of its provisions.

To the second branch of their subject, the consideration of the newly proposed regulations, your Committee will now proceed:—The first essential point is the appointment of a Guardian or Protector; and here your Committee at once take leave to say, they do not participate in the alarm and antipathy expressed against the appointment of such an officer. Your Committee feel but one objection on the subject, namely, that to enable him to perform his functions effectually, to preserve a proper independence, and to remunerate his labours adequately, his salary should be large. Your Committee are well aware that the financial situation of this Colony will not admit of any large permanent charge on its resources; but, as the measure is so earnestly recommended by His Majesty's Government, your Committee suppose this objection might be obviated, and they beg to report, that, on principle, they can see no good or valid objection to the appointment of such an officer. Whatever rules may be framed for the protection of the Slave population, it is obvious they will require some person to look after their enforcement, as it can never be reasonably expected that an unpaid Magistracy will take upon themselves voluntarily the obnoxious character of informers. If, therefore, new laws are to be made for the protection of the Slaves, your Committee think there should be a sworn and salaried officer to watch over their observance; for while they feel your honourable Board will, along with them, spurn the imputation of the Colony being ready to frame laws, specious enough on paper, but rendered nugatory in practice, by an alleged supineness in carrying them into execution, they can apprehend no danger from the appointment of an officer, himself subject to the positive directions of the law in the execution of his office, whose only duty will be to see that those laws affecting Slaves, which may receive the assent of the United Legislature, are duly carried into operation, or that any breaches of them which may occur be brought under the cognizance of some Constitutional Tribunal. Your Committee are of opinion, that a Colonial nomination to this office (subject always to the approval of His Majesty) would be preferable to a Trans-Atlantic one, as being more likely to fall on a person acquainted with local laws and customs, a point, ignorance in which might lead to unpleasant results; and should Deputy Protectors be deemed essential, your Committee are of opinion a much smaller number than one for each parish, as contemplated in the draft bill before them, would be amply sufficient for every beneficial purpose.

Such being the opinion of your Committee on the first bill, it will be with reference to this that they frame the succeeding parts of their Report, as the whole system depends on the power and appointment of some such officer as a Protector or Guardian.

On the next head of the proposed new regulations, your Committee may be very concise in their remarks. It is that of the bill to enable Slaves to acquire property, and for the establishment of Saving Banks.

Regarding this, your Committe, with pleasure, point to the positive enactment of security to Slave property, contained in the 35th Clause of the late Slave Act, as a provision unsuggested by any Trans-Atlantic influence, but which emanated solely and spontaneously from the good feeling of the Colonists towards the well-being and domestic comforts of their Slaves. As to Saving-Banks being established, your Committee are by no means disposed to foster any ideas which may be entertained of their great efficacy in creating ideas of economy or pecuniary independence among the Slaves; but, as their establishment appears to be of that nature of negative propositions which, if it cannot be expected to produce much good, can by no possibility, so far as they perceive, be productive of evil, your Committee recommend the adoption of all the provisions of this Bill.

A much more important question arises on the next proposed measure, regarding the mode and degree of punishment to which Slaves are to be subjected. To the first Clause, allowing the Protector of Slaves, in case of such an appointment being made, to appear in all Courts as the Guardian of Slaves' rights, the Committee see no objection. And they are also of opinion, that the exhibition of the whip in the hands of the drivers in the field may very properly and safely be discontinued. This has already been effected in the colony of Saint Vincent's, by the 23d Clause of their Act, already quoted; and your Committee recommend its adoption here as particularly advisable, from the circumstance that, as our present law has prohibited the drivers from using the whip at all, the suffering it to remain in their hands is only exposing them to the temptation of committing a breach of the law, by placing the means thereof constantly within their reach.

Your Committee are of opinion, that the present law of the colony, by which no owner, &c. can inflict on any Slave more than ten lashes without the presence of another free person as a witness, and in no case give more than twenty lashes for one offence, without the intervention of a magistrate, is, if effectually enforced and watched over, as humane a provision as the state of the Slave population generally will, even yet, allow to be adopted. Neither can your Committee recommend the adoption of any general rule, either to postpone, in every case, the punishment till twenty-four hours after the commission of the offence; as they think such a regulation would, in many cases, be impolitic, in others cruel, and, in not a few, impracticable. They are, therefore, humbly of opinion, that, for these reasons, the 3d Clause of this proposed Bill should be rejected.

Neither do your Committee recommend the adoption of the system proposed for the punishment of female offenders, as set forth in the 5th and three following Clauses. They cannot, from all the evidence they can procure, come to the conclusion, that it will be perfectly safe to abolish flogging of female offenders entirely. In their present state they would consider the promulgation of any such order as equivalent to an exemption from punishment altogether, and while the difficulty of preserving order among themselves would thus be much increased, an envious jealousy would pervade the minds of the males, which could not be allayed till they had endeavoured, by clamour or menaces, to accomplish a similar change in their own system. Without, however, effecting so radical and dangerous a change as the total disuse of the whip in regard to female offenders, your Committee think civilization and humanity require, at least, a modification of the present system, so far as that the severity of flogging, when requisite, to be inflicted on females, might be mitigated by the adoption of a lighter instrument of punishment than the cart-whip, (such as that generally known by the name of the cat,) and, in particular, that decency should not be outraged by the exposure of females under punishment, for which purpose your Committee are of opinion, flogging of females should always, when necessary to be resorted to, take place without the presence of any other males than the driver by whom it is to be inflicted, and such witness as the law may require to prove its extent.

Your Committee can see no objection to the establishment of the proposed record-book of punishments, as they are given to understand it is, though not quite so formally arranged as in the proposed regulations, in effect carried already into practice on the great majority of the plantations in the Colony, and no person, confining his punishments within the measure allowed him by the law, can ever feel any difficulty in keeping a record of them.

Your Committee humbly recommend to your honourable Board decidedly to reject the 18th Clause of this proposed Act, whereby traces of a recent flogging on the person of a Slave are proposed to be converted into a legal suspicion against his owner, from which he is to exculpate himself as he best can, by proving he was not the person who inflicted them; a greater departure from the principles of equity, or one more calculated to defeat its own purpose, your Committee cannot conceive than the enactment of such a rule would be, but luckily, it is unnecessary to comment on it further, as the unqualified and direct admission of Slave testimony in all criminal cases whatever, which your Committee have already recommended, must even, in the eyes of the original proposers of this Clause, be so far preferable to it as to leave no shadow of argument left for its adoption.

Clauses 21st and 22d of this proposed enactment are, in their present state, equally inadmissible in the opinion of your Committee. It appears to them but reasonable that there should be a power vested in the superior court of the Colony, to liberate a Slave from the controul of any master who may be convicted before it of a wanton or malicious exercise of his authority over him, but they are of opinion that to declare such Slave free or forfeited absolutely to His Majesty, would be to enact a law likely to become dangerous to the peace of the community, and unjust towards children, and creditors, and mortgagees. Your Committee are, therefore, respectfully of opinion, that the Board cannot adopt the 21st Clause as it now stands, but that by a modification of its provisions, a power may be created sufficient to wrest a Slave from the controul of a cruel master, while, on the other hand, no injustice will be done to third parties interested in such Slave, and no danger arise to the community.

Far different, however, are their sentiments on the 22d Clause, which would inflict the penalty of forfeiture of property, and disqualification to hold it in future in a Slave colony, on any person twice committing any breach of these regulations. On this Clause your Committee have little to say, but that they consider it so harsh as if it were possible to enact it, it would certainly defeat its own purposes. Laws should have penalties proportioned to the moral guilt contracted in the breach of them, but in this instance the moral guilt may be so small, while the penalty attached is so monstrous, that your Committee think no sane legislator, cognizant of the subject, could for a moment think of connecting the two together.

Your Committee recommend the adoption of the provisions of the Bill, to prevent the separation of members of the same family, by virtue of legal process, with the restriction of it in the case of husbands and wives, to such as may be legally married, for they consider its extension to the case of *reputed* husbands or wives to be visionary and impracticable, as well as a direct encouragement to licentiousness. The proposed regulations for Sunday markets being inapplicable here, since the abolition of the market on that day, require not enactment; and in regard to the rules for preventing compulsory labour on Sunday, they are so little called for in practice that they might also be pronounced unnecessary; but that, as stated by your Committee, in the commencement of this Report, it may be advisable to give to such general custom the sanction of positive law. The hour of sun-rise, however, on Monday morning, before which it is proposed to render the working of Slaves illegal, may, according to the season of the year, be too late, and your Committee would suggest in lieu thereof the words "day-break." An addition must also be made to the list of operations which it will be legal for an owner or manager to compel the Slaves to perform on that day, so as to comprehend the various branches of labour required in the boiling and curing-houses, and liquor-loft. No tax existing on manumission in this colony, and there being no fee, save the trifling expence of recording the deed, which does not much exceed 20 shillings sterling, your Committee see no reason for this payment, trifling as it is, being thrown on the public. The protector may be directed to look after the regularity of the deed, and its being duly executed and recorded, but to any Slave who has the means of effecting his own freedom, the fee for recording the deed can form no obstacle.

The question of compulsory manumission involves many difficulties; your Committee have approached it with an anxious desire to get the better of them,

but they are by no means satisfied they will be able to do so; the greatest difficulty, in their apprehension, arises from the impossibility of paying full regard to the rights of third parties interested in the Slave to be manumitted; they do not see, for instance, how they can apportion the respective interests of tenants for life, heirs of entail, mortgagees and others in a sum of money. Should the wisdom of the Legislature, however, be able to devise means to get over this difficulty, your Committee think all the other objections might be obviated. Care might be taken that the price of any Slave to be manumitted should be proportioned not merely to his own intrinsic value, but relatively to the importance of his services to his owner; provision should be made to prevent the evil of any head tradesman, or other person of importance, being freed before the proprietor might be able to supply his place, by requiring, for instance, the lapse of a considerable period of time after his appraisement, and the lodgement of his value before the act of freedom could take effect; thus giving his owner time to procure another Slave qualified to take the freed-man's place. It might also be proper to provide against female Slaves being allowed to compel their owners giving them freedom by means of funds acquired by concubinage; as to enable them to acquire freedom by such means, and while in such situation, would be holding out a direct encouragement to licentiousness.

Though your Committee are of opinion no legislative enactment can have much effect in promoting the institution of marriage among Slaves, they do not consider that any weighty objection can exist to the enactment of the proposed regulations on this subject, provided that there be inserted in it a qualification, that the protector shall not issue a licence to marry two Slaves where such marriage can be shewn to be detrimental to the interest of either of their owners. Such a case might happen, for instance, in the marriage of two Slaves situated on properties widely distant from each other, the consequence of which would be either the sickness of the Slaves from night travelling to visit each other, or from the infrequency of their meeting, their resorting anew to concubinage.

Your Committee have already, on the subject of Slave evidence, anticipated any remarks required to be made on the proposed Bill for its admission; they wish it to be received in all criminal courts without any restraint whatever, which, if adopted, will render quite unnecessary the anomalous system of licences proposed, whereby the question of the competency of a witness would be transferred from the decision of the court where he was to be examined, to that of a clergyman, an innovation for which there is not the slightest occasion. Your Committee see no reason for rendering Slaves competent witnesses in civil courts, except in questions between themselves. To enact further would be to open a wide door to fraud and perjury, and would be a measure wholly unnecessary for the protection of the Slave, as in his few civil contracts with free persons he can never be at a loss to provide a free witness for their authentication.

Your Committee will now close their report on this extensive and important subject, by again stating to your honourable Board, that, in their opinion, many of the proposed new regulations may be adopted with perfect safety, and some prospect of advantage to the Slave, and none of them are so objectionable but that, under proper modifications, their principles may not be in some measure adopted. (Signed) WILLIAM MACBEAN.

February 12, 1827. ROBERT MITCHELL.

To his Honour William Brasnell, President and Commander-in-Chief in and over the Island of Tobago and its Dependencies, Chancellor, Ordinary, and Vice-Admiral of the same, &c. &c. &c.

May it please your Honour,

IN compliance with the pledge contained in our Address to your Honour of the 25th January, we, the Speaker and Members of the House of General

Assembly, beg leave to present your Honour with a copy of the Report brought up from the Select Committee of the House, appointed in August last, to take into consideration the measures suggested by His Majesty's Government for the improvement of the condition of the Slave population, and the practicability of carrying the same into effect. We have taken the earliest opportunity of laying this instrument before you, but in presenting it, we cannot conceal from ourselves that we must, in a considerable degree, disappoint the expectations of His Majesty's Government. The cause is to be found, not in any unwillingness on our part to go as far to promote the benefit of that class of people who are subject to us, as is consistent with the safety of the country, but from the peculiar difficulty we labour under in having measures urged upon us for adoption, which are ill adapted to the state of society in the island, and which are ill calculated to accomplish the ends which they are intended to answer.

The two first suggestions, viz. the appointment of a protector, and a legislative enactment to permit compulsory manumission, we have found so objectionable, for the reasons set forth in the Report, and which we need not here repeat, that we have been obliged altogether to reject them. The effect, however, which the late Slave Act gave to the system of guardianship will render the rejection of the first recommendation a matter of little moment, as the protection designed the Slave is fully secured to him by the provisions of the Act in question.

The admission of Slave evidence is a point that seems to have occasioned a considerable diversity of opinion in most of the colonies. The difference we believe to arise from local causes. In this island, we have not only the inclination, but the means of going further on this head than most of the other islands. We can scarcely conceive, that, in this small community, there could often occur an instance of a witness being brought into Court without being known, either in person or by character, to the Court or Jury, or both, and even were such the case, they would not be without facilities whereby to arrive at a knowledge of the degree of credibility to which the individual would be entitled. We, therefore, feel a reluctance to load ourselves with the certificates of the clergy and the remainder of the cumbrous machinery with which the draft of this proposal was burdened. We propose to do away altogether with the distinction which has heretofore prevailed between the admission of the evidence of persons, free and bond, leaving them, however, equally open to the same common law exceptions.

The abolition of the use of the whip, where females are concerned, is a provision to which we can by no means accede. We like the whip, as a mode of punishment, as little as those can do who have never crossed the Atlantic, and we have seen with gratification its use becoming more sparing every day: but we are not yet prepared to say, that it shall on no occasion be resorted to, even in the case of females. In addition to the other reasons given in the Report, we have a further objection; an enactment, such as now called for, would tend to introduce a totally different mode of Government between the two sexes of the Slave population, the effects of which we are, at present, wholly without the means of anticipating; we believe that the males would not long submit to a discipline from which they found the other sex exempt, and that symptoms of insubordination would soon be manifest. Peculiar immunities to the female part of the community are the result of a state of refinement, which the Negroes cannot yet be supposed to have attained; connected with this subject, is the proposed penalty on a person a second time convicted of unlawfully punishing a Slave. The offence, at the utmost, can be no more than assault and battery, but we venture to assert it is the first time in the history of legislation, since it became a science, that it ever entered into the contemplation of a Statesman to punish such an offence with the confiscation of all a man's property.

For our views of the marriage of Slaves, the non-separation of families, and the employment of the Sunday in the performance of religious duties, we refer your Honour generally to the Report. In it will also be found our ideas respecting the establishment of Savings Banks.

The only other topic to which we wish to advert, is the keeping of a Record Punishment Book; it is one of those alterations in our system to which we

feel a decided hostility. To make a man furnish evidence against himself, is on constitutional grounds, a sufficient objection, but there is another scarcely less forcible: we cannot comprehend without alarm the degradation which the whole class of persons resident on estates must suffer from the adoption of the measure; it would be a virtual declaration that their habits are such that they must necessarily lie under an imputation of cruelty, until, at the expiration of every three months, they purge their consciences on oath, and after all, those whom this provision would be intended to satisfy, would pay little regard to the oath, for they would say, there was every inducement to retrieve by perjury what a man was supposed to have lost by his profligacy. We are convinced no more effectual method could be devised for causing the cruelty, which is sought to be prevented; for the esteem of the world, is a motive to good conduct only inferior to the approbation of conscience, and he who labours under the imputation of guilt is half disarmed when assailed by temptation; in proportion as he has little to lose he will be the less disposed to resist the influence of passion. The recapitulation of improvements which closes the Report, will shew your Honour the length we believe we may safely go, and the benefits they would confer on the Slave are neither few nor trivial.

We look with confidence to your Honour for making such a representation to His Majesty's Government of our humble exertions in this important cause as will ensure their favourable reception and interpretation.

(Signed) CHRIST. IRVINE,
Speaker of the House of General Assembly.

House of Assembly, 6th February 1827.

The Select Committee appointed on the 23d of August last, to take into consideration the Measures proposed by His Majesty's Government for the Amelioration of the Condition of the Slave-Population, and the practicability of carrying the same into effect, and to report thereon to the House, have, pursuantly to the Orders of the House, examined the matters to them referred, and have agreed upon the following Report:—

YOUR Committee have given this important subject their fullest and most deliberate consideration, being anxious to give effect to the measures recommended by His Majesty's Government, as far as the same could be done consistent with the welfare of the Colony, and the happiness of the Slave. The difficulties attending this question have almost overwhelmed your Committee, and they at one time despaired of coming to any conclusion on the subject, but at length their minds are fully made up on this momentous matter, and they trust their suggestions and observations will be approved of by the House.

Your Committee in the first place beg leave to urge, that the Legislature of this colony was the first among the colonies to come forward and propose measures for the amelioration of the Slave-population. Their Act, intituled, "An Act to repeal an Act, intituled, an Act for the good order and government of Slaves, and for repealing an Act of this Island, intituled, an Act for the good order and government of Slaves, and for keeping them under proper restraint, and for establishing the method of trial in capital cases, and other regulations for the greater security of that part of the inhabitants' property, and to substitute a new Act in lieu thereof," enacted various regulations for the protection and benefit of the Slave. The trial by jury was granted to the Slave for capital offences; he was admitted as a witness even against a white person in capital cases, provided no white or free evidence was present at the commission of the crime; his property was secured to him by law; Sunday markets were abolished; guardians were appointed for his protection; and various other privileges and immunities granted the Slave, tending to his comfort and happiness, and proving the extreme wish of the Legislature to advance him on the scale of moral civilization.

Considering the situation of the Slave, his habits and customs, and the little progress hitherto made in religious instruction and civilization, it was thought that the Legislature, by the above enactment, had gone as far as was consistent

with prudence, or as could be beneficial or advantageous to the Slave himself at present. It was reserved for a future day, when the benefit secured by the above-named Act should have been felt and understood, to have adopted other measures and to have provided new benefits for the Slave, and as the progress of civilization, combined with religious instruction, should have fitted him for further concessions on the part of the master: but the march of improvement must be gradually progressive, and must be regulated by the march of intellect. Your Committee are of opinion, that the Act above referred to embraced almost every measure which could tend to the happiness and comfort of the Slave, and which were adapted to his capacity and habits, and his situation in the scale of civilization.

The first measure which claimed the attention of your Committee, in the recommendation of His Majesty's Ministers, was the appointment of a Protector of Slaves. Independent of the expence attending the appointment of such a person, as his salary must be considerable, from not being allowed to hold other situations, your Committee are of opinion such an appointment is wholly uncalled for, for they think every object to be obtained by the appointment of a Protector is secured by the provisions of the Slave-Act, which enacts the appointment of guardians for the protection of Slaves against any cruelty or injustice on the part of their owners, or others: this enactment has been found sufficient for any purpose connected with the protection of Slaves from injustice; and has been frequently acted upon, and the office of guardian being confided to the President of the Council, and Speaker of the House of General Assembly, and Judges of the Court of Common Pleas, is a sufficient guarantee of the wish of the Legislature to afford every relief and protection to Slaves from the oppression of their masters and others: but if it shall be the opinion of the House that the Act is not sufficient as it now stands, other assistant guardians might be appointed, who might comprehend the Magistrates of the different parishes of the island, and who, on any complaint made by a Slave, might have power to summon to their assistance other Magistrates to form a court to examine into the complaint, and on such examination, to report the same to the Attorney-General for prosecution, the expence of such prosecution to be borne by the colony. Further than this your Committee would not go at present; they consider the appointment of a Protector, with the powers annexed to the situation, as is witnessed in Trinidad and Demerara, as an attempt to dissolve the tie and relation which ought to prevail between Master and Slave: the attachment which at present exists between Master and Slave will be weakened, the moment the Slave is led to make complaints to other persons, and to expect redress from any other than his master or owner; heart-burnings and differences will ensue, and the happiness of the Slave, as well as the comfort and consequence of the owner and master, will be weakened, if not destroyed. That necessary discipline which ought to prevail on plantations while slavery exists will be much impaired; dissatisfaction will ensue, and your Committee have little doubt but an order of things would soon prevail upon plantations which might prove serious in its consequences both to Master and Slave. Every object to be obtained by the appointment of a Protector would be accomplished by appointing an additional number of guardians as above stated.

The next object which has drawn the attention of your Committeee, is the subject of compulsory manumission: the more they have considered this part of the recommendation of His Majesty's Ministers, the more difficulties seem to surround the question. To refuse to a Slave the privilege of freedom when he may be able to acquire it, seems in the abstract unreasonable, and even cruel; but while slavery is suffered to exist, it must be considered as a system to which certain rights on the part of the master are attached, and of which he cannot be deprived without his consent. No measure so effectual for the destruction of slavery, root and branch, could be devised as compulsory manumission: it is well known, whatever be the numerical strength of an estate, the effective service is performed by one-third generally of the strongest and most laborious Negroes; the remaining strength consists of old people, invalids and children. If compulsory manumission be allowed, it will be in the power of the societies who are anxious for the extinction of slavery, to destroy slavery altogether, by assisting in the purchase of some of the most effective of the gang, and thus rendering the proprietor wholly unable to

carry on the cultivation of the estate. Another effectual mode might be adopted by these societies, that of purchasing the young women when arrived at the age of bearing children.

Naturally, slavery must find a term limited to its existence by this mode being adopted: there would be no increase, and a very few years would, if the measure of compulsory manumission be adopted, demonstrate that no more effectual mode for the destruction of slavery could have been suggested, than that of compulsory manumission. Your Committee are well aware that in the Mother Country the suggestions above-enumerated will have no weight, but the master will no longer be master if he can be deprived of his Slaves by the compulsory mode recommended by His Majesty's Ministers; he must fail in the performance of his pecuniary engagements, if deprived of the means of fulfilling them; and he would, by no fault, no act of his own, be made a bankrupt in fortune, with every wish and dispostion to pay his debts, and act fairly and honourably towards his creditors.

The next point for the consideration of your Committee, is the admission of the evidence of Slaves. By the Act before referred to, the evidence of two Slaves is admissible even in capital cases, where no white or free person is present, or could be produced to give evidence of the facts. But your Committee are disposed to go further, they think the evidence of Slaves might be admitted in all cases without any restriction; their ignorance and want of religious principles would have the weight only it deserved in the minds of a jury, and the evidence of a Slave, as to competency and credibility, might be measured by the same scale as that of free or white persons. At present your Committee see no ill likely to ensue by allowing the admission of the evidence of Slaves in all cases.

But as to the Act recommended by His Majesty's Ministers, for preventing abuses in the punishment of Slaves, whether the same be inflicted by due course of law, or the authority of the master, your Committee are disposed to take a very different view of the same from what seems to be the opinion of His Majesty's Ministers: in the first place they would suggest that the cart-whip, on which so much reproach has been cast, is as well as an instrument of punishment, a badge of authority, and although used for the purpose of restraint and punishment, is likewise used as a signal to summon the Negroes to attend their work, to receive their allowances, and perform the usual services of the plantation. The substitution of solitary confinement, and the affixing marks and badges on the Negroes by way of punishment, would in the opinion of your Committee be a change highly disagreeable and repugnant to the feelings of the Negroes; the sense of shame being by no means extinct in the Slaves, and it being desirous to keep up this feeling as long as possible, your Committee are satisfied that a moderate infliction of punishment by the whip, under the restrictions of the law, would be less galling and severe to the Slaves than the placing marks and other badges on them by way of punishment. In the one case, custom has reconciled the punishment by the whip, little disgrace is attached to the use of it, but distinguishing badges it would be difficult to reconcile them to; any Slave marked or distinguished in this way for punishment would become a bye-word and reproach to his fellow Slaves; it might become a stain upon families, and the consequence would be strifes and heart-burnings on a plantation, which no order or discipline could allay or subdue.

Your Committee cannot adopt the recommendation of His Majesty's Ministers, respecting the discontinuance of the whip as a punishment for females: the women, it is notorious, are generally the most refractory on an estate, and the leaders and promoters of every disturbance; they frequently lead the men into disorders which they would never otherwise think of, and were they not restrained by the fear of corporal punishment, it would be impossible to maintain order and discipline upon a plantation: your Committee object however, highly to any exposure of the naked body, and are of opinion that punishment in no case should be inflicted on the naked body of females. This may be restrained by legislative provision.

Your Committee object highly to the keeping of a record-book of punishments on an estate. In the first place, they consider such a measure as in direct opposition to the law of the land, and the Constitution of Great Britain, as it calls upon a man to bear evidence against himself, and opens a door to

wilful and corrupt perjury. The suggestions of your Committee, respecting the appointment of an additional number of guardians, would supersede the necessity of keeping a record-book of punishments, as it is to be hoped that, by the vigilance and care of the guardians, and their readiness to listen to complaints, all cruelty and injustice will cease, and the monstrous principle of compelling a man to bear evidence against himself will not be established in this colony. If a record-book of punishments is kept, the individual has no alternative but of bearing evidence against himself, or taking a false oath.

Your Committee forbear making any observation on that part of the recommendation of His Majesty's Ministers, that no person guilty of two several acts of cruelty towards a Slave shall be entitled to hold any such property, or be a manager or superintendant of Slaves. As they consider the proposition of so monstrous a nature, that were your Committee to recommend its adoption, they are of opinion it would be the ground-work of further demands on the proprietors of plantations and slaves, plainly evincing a disposition on the part of His Majesty's Ministers to carry into effect the emancipation of the Slave-population as speedily as possible. Your Committee think it is peculiarly hard and unjust to subject an individual to the consequences suggested and recommended by His Majesty's Ministers for an offence or offences fully within the provisions of the law, the punishment of which may be made sufficiently severe without throwing the individual committing the offence out of the pale of civilized society.

Your Committee see no objection to the system of Savings Banks; every security should be given to the property of the Slave. In this respect the interest of Master and Slave should be inseparable; but your Committee very much doubt, from the suspicious character of the Slave, whether he would confide his savings to any person; he thinks his property safest in his own hands, and is convinced no one can take so good care of it as himself.

Your Committee can see no objection to the recommendation of His Majesty's Ministers, to prevent the separation of Slaves being members of the same family by virtue of any legal process. But they think even the remedy to be provided admits of limitation and restriction. Negro men have generally more than one wife, and Negro women more than one husband. Some proof of long cohabitation should be given to entitle the reputed husband or wife to the privilege of the law, otherwise it would be a matter of some difficulty to ascertain the reputed husband or wife, such person in any legislative provision to be made on this subject should be well defined.

Your Committee further are of opinion that marriages should be encouraged as much as possible among Slaves; but they think this measure should be put under strict regulations. No Slave should be allowed to marry unless he could satisfy the minister of the parish that he had formed a competent idea of the duties attached to the state; long cohabitation would be a sufficient ground for allowing a marriage to take place; but your Committee are of opinion this ordinance should not be entered into hastily and without reflection, as the Slave is too apt to be guided by the impulse of the moment, and might verify the old adage, "Marry in haste, and repent at leisure." Besides, the morals and religious improvement of the Slaves would be much impaired and retarded, if hasty connections were allowed to be formed, which the Slave would feel no hesitation in dissolving when he thought fit. To teach the Slave first to appreciate the value of the blessings attached to the married state, he must make some advance in religious knowledge, and must shew that he has at least some idea of the duties attached to the state, and that those duties mark the difference between the indiscriminate connections which have hitherto prevailed, and the holy state of matrimony.

Your Committee, lastly, are of opinion, that some further legislative provision should be made to prevent the unnecessary employment of labour on the Lord's Day. As His Majesty's Government have determined to devote themselves to the religious instruction of the Slave, it is highly proper and necessary that this day should be kept holy, and that the Slaves should be convinced that Sunday is to be a day of rest. Your Committee are of opinion no unnecessary labour should be performed on that day. Works of necessity, however, must be performed, and so many of them occur on sugar-plantations, that your Committee very much fear that the recommendations of His Majesty's Ministers could not be adopted to the extent suggested by them.

Your Committee recommend that the several Bills above-mentioned be rejected, and that the Act, commonly called the Slave-Act, be amended without delay, and that the said amendments embrace the above recommendations suggested by your Committee, and which they will shortly recapitulate.

1st.—An improvement in the system of guardianship so as to supersede the appointment of a Protector.

2d.—The admission of the evidence of Slaves without restriction.

3d.—The establishment of Savings Banks, and further securing the property of Slaves.

4th.—A Clause to prevent the separation of families by virtue of any legal process.

5th.—A Clause to regulate the punishment of female Slaves, so as to prevent improper exposure.

6th—A Clause to regulate the celebration of marriages among Slaves.

7th—A Clause for the religious observation of Sunday.

All which is respectfully submitted.

By order of the Committee, (Signed) JOHN GLANVILLE,

Committee Room, January 30, 1827. Chairman.

ST. LUCIA.

No. 1.

SIR, *Downing Street, 20th March* 1826.

I HAVE submitted for His Majesty's consideration the draft of the Slave Code which was prepared by the first President of the Royal Court of Appeals, in pursuance of the directions given by me for adapting the provisions of the Order in Council for Trinidad, to the French Law in force in St. Lucia.

This draft is understood essentially to execute His Majesty's intentions, and therefore it is His Majesty's pleasure that you do forthwith, with the advice and consent of your Council, issue an ordinance to be expressed in the terms of the draft. This ordinance will ultimately be submitted for the confirmation of His Majesty in Council, with such alterations and additions as His Majesty in Council may deem necessary. The Procureur-General will, therefore, in conformity with the ordinance, act for the present as Protector of Slaves; but it will not be expedient to make any permanent arrangements upon the prospect of these offices continuing to be exercised by the same individual, since it is probable that when the ordinance shall be revised by His Majesty in Council, His Majesty in Council may see cause for dividing them.

I have, &c.

(Signed) BATHURST.

Major-General Mainwaring,
&c. &c. &c.

No. 2.

MY LORD, *Pavilion, St. Lucia, 15th August* 1826.

I AVAIL myself of the opportunity of my Nephew's return to England to address a few lines to your Lordship, and I feel that I shall be excused for this obtrusion, on the plea, that it is to give your Lordship the highly satisfactory and pleasing information that, since the promulgation of the Slave law, now three months in operation, the greatest harmony and good feeling exists in this Colony, and that, with the exception of the enclosed, I have not heard the slightest complaint; and the happiness, quiet, and good order of the plantations, have been fully proved to me by the reports of the several Commissaries Commandants, and confirmed by the statement of a commission, consisting of his Honour the First President, the Registrar of Slaves, and my Secretary, who have just returned from a tour of the Island, made at my request, and have visited and inspected every estate and plantation on the tour.

I have, &c.

(Signed) J. MAINWARING, Major-General Governor.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

REPORT

To his Excellency Major-General Mainwaring.

SIR,

The undersigned Commissioners, appointed by your Order of Government of the 9th instant, beg leave to forward the minutes of the evidence taken before them on the Union Estate on the ensuing day, and to add their opinion upon the several points which came under their consideration.

1st. It appears by the correspondence attached to the minutes, that on the 8th July last Mr. Lloyd, as attorney to the property, forwarded a complaint in

writing to the Commissary Commandant of Castries, signed by the manager and two overseers, besides himself, stating the whole of the gang, except sixteen, had refused to work on that day.

This called forth another letter from Mr. Lafitte to the Procureur General, requiring that a detachment of thirty militia men should be sent to the Estate on the subsequent day, " afin de faire arreter les chefs de l'insubordination et " en faire un example," and requesting an immediate answer.

To an application of so serious a nature, the Procureur General did not think proper to return any answer until, as stated in his letter to the First President of the 9th, he had seen the manager of the estate, and having ascertained from him the negroes were perfectly quiet, and at home in their huts, he put a decided negative upon it, until the matter should be further investigated. The other papers are merely a correspondence which took place, owing to the postponement of the inquiry caused by the illness of the First President presiding this commission, and which ended by the Lieutenant Commissary on the 19th July, ordering one of the women on the estate, Marie Rose, to be flogged, when she suffered fifteen lashes.

The evidence contained in the inquiry has, in the opinion of the Commission, sufficiently cleared up the facts which are chiefly set forth in Mr. Delomel's deposition. He states,

That the day after the sugar crop was over (Thursday, 6th July), Mr. M'Gowan, the manager, distributed to the negroes the articles mentioned in the letter of the 8th, and gave them besides the whole of the Thursday; on the Friday they turned out as usual, but on the Saturday, on his going down to the field, he was surprized to see the major part of the gang go off to their provision grounds, instead of coming to their work; that he reported the circumstance to Mr. M'Gowan, who sent him immediately to town to inform Mr. Lloyd; the latter ordered him to make this declaration verbally to the Commissary Commandant, and this officer, stating that he considered the case extremely serious, called for a written complaint.

It appears that there was no kind of tumult or riot, nor any meeting of the gang; that neither the manager, nor any person whatever having authority over them, was attacked, or molested, or insulted, and that the negroes returned quietly to their huts in the evening. It appears, on the other hand, that they had received orders on the preceding evening to proceed the next day with the usual work of the estate, which orders they had disobeyed.

That Mr. Lloyd had not the most distant idea that Mr. Lafitte was going to make an application for an armed force.

The cause of the disobedience on the part of the negroes seems also ascertained from the information obtained through Mr. M'Gowan.

It is an invariable custom in this Island to allow the Slaves at least one day's holiday at the conclusion of the sugar crop.

The crop was over on Wednesday evening, and on the next day the half-yearly allowance of clothing, together with the usual bounty of spirits, was distributed, and the negroes enjoyed the usual holiday.

But by the 30th section of the new Slave Law, the master has the option of giving the Slaves a certain quantity of provisions for their sustenance, and working them throughout the week (except on Sundays), or a less quantity, but with one whole day in every week, out of crop, and half a day in crop, to cultivate their provision grounds, and the day so granted on nearly every estate is the Saturday. It appears, also, that the attorney of this estate had chosen the latter alternative, and therefore the Slaves were entitled to one day in the week for the express purpose of tilling their grounds, exclusive, as they concluded, and as we conclude, of the day granted them at the end of crop for their recreation.

Mr. M'Gowan seems to have thought otherwise, and having allowed them the *annual* holiday, he thought himself warranted in depriving them on that occasion of their *private weekly working day*, or at least a part of it; a conclusion in our estimation perfectly erroneous, and which he ought at least to have explained to them on the preceding Thursday.

It is true Mr. M'Gowan states that formerly, when they were allowed the day after crop, they were not indulged with another day in the same week, but he

should have recollected that at that time, the law rendering it incumbent upon him to grant them a day did not exist, that the master was then bound to furnish the full quantity of provisions, and it even forbade his granting a day in lieu; if therefore the Negroes did sometimes obtain a day, as he mentions, it was a mere matter of indulgence; for no one could be better aware than himself that they used to receive a larger allowance of provisions.

We therefore consider, that had the Negroes gone to work as ordered, and afterwards preferred a complaint against Mr. M'Gowan, he would have been liable to the penalty provided by the 43d section of the Slave law.

But nothing can in any way excuse the disobedience of the gang; their duty was in the first instance to have obeyed, for there would be an end to all subordination if Slaves were tolerated, under any circumstances, in disobeying their master's orders. This principle is distinctly laid down in the concluding section of the Slave law, and the necessity of adhering to it cannot be more fully proved than in the present instance, when, owing to their conduct on the Saturday not having been properly noticed, the gang continued indolent and nearly idle, though not insubordinate until the 19th. Had therefore Mr. Lloyd ordered the ringleaders on the 8th to be punished, he would have been justified in doing so, and we should in all probability feel ourselves bound at this moment to recommend the infliction of one or more punishments, had not an example been made on the 19th, which, as admitted by Mr. M'Gowan, has had the desired effect.

As to Mr. Lafitte's application, had Mr. Lloyd or Mr. M'Gowan had any share in it, we should express ourselves very fully thereon, but it does not appear they were at all aware of its nature, and we are not called upon to investigate Mr. Lafitte's conduct. We must however beg leave to observe that even the application to Mr. Lafitte seems to have been hastily made. The owner of a property is unquestionably entitled to the assistance of the Commissary Commandant, and the latter to the support of Government, in serious cases; but we take it to be equally clear that no owner or master is warranted in complaining until he has first tried how far the authority with which he is invested by law is sufficient to maintain or establish order, and here there could have been no kind of difficulty in the selection of fit persons for punishment, since Mr. M'Gowan could at once point out to us those he considered as ringleaders; and since, as all were guilty, no blame could attach to Mr. Lloyd in punishing one or more of these individuals, nor could there be any greater difficulty in inflicting the punishments since the gang was perfectly quiet, and, as proved by the punishment inflicted on the 19th, submissive.

2d.—The next complaint was preferred by Marie Rose, who declared that she had been handcuffed by Mr. M'Gowan's orders, and her feet being tied up, her arms were raised above her head, and hung by the handcuffs to a nail in such a manner, that her heels were elevated considerably above the ground. It is evident here that the truth of the latter fact was the most important point for investigation, as upon that depended whether the punishment was of such a nature as to come within the class of cruel and illegal punishments. This fact Mr. M'Gowan denied, but he admitted that the nail was still in its original place, as she had stated. We were therefore enabled easily to ascertain precisely the position in which she had been placed, and with that view we ordered her in our presence, to be tied up in the same way and by the same person; and we have now to report that her charge is fully made out; that her heels were raised considerably above the ground; the whole of her weight resting either upon the handcuffs, which were raised in the air and hung upon the nail, or upon her toes.

We beg to refer to the examination, for Mr. M'Gowan's observations upon this point, and to add, that having satisfied ourselves of the fact that the punishment was inflicted by Mr. M'Gowan's orders, we deemed further investigation into the conduct of the inferior officers, upon whom he then only seemed desirous of laying the blame, unnecessary. The punishment took place close to the buildings, and within sight of Mr. M'Gowan's house. The woman remained there, according to his statement, upwards of an hour, and to her's two hours, and the least he could have done was to see his orders properly executed.

The 3d subject for investigation was a complaint from Emelie, who stated, that having had a blister applied to her back, and having a sore foot, she was ordered out to work by the manager; it appeared from the state of her back, that the blister was long since healed, and it also appeared, that she had found her way on foot from the Union Estate to Castries, a distance of about four miles, part of the road as heavy as any in the West Indies, in the course of three hours, although, when ordered to fetch her hoe, she had not thought proper even to ascertain what work she was to be put to, before she ran away; whether to heavy field labour as she said, or (as declared by Mr. Gowan) merely to clear the weeds in front of the Hospital, and other light work, from which she could not suffer. This complaint was therefore evidently unfounded.

We were also ordered to inquire particularly into the circumstances attending the decease of Adelaide, a Negress belonging to the Union Estate, who died in prison on the 7th instant. It would appear by the declaration of Doctor Chevalier, that in that respect the attorney, manager, &c., of the Union Estate are perfectly free from blame. She was ordered out of the hospital by him on the 28th or 29th; now by her own declaration to the Procureur General she left the estate at the latter date, so that if blame attaches any where, it must be to those who had the care of her in prison; a point which, though very deserving of investigation, we did not consider within the compass of our commission.

Upon the whole it appears that,

In the first case, (the complaint of the 8th July,) all the parties concerned were deserving of blame; but as it was clear the consequences were no longer felt upon the estate, we deemed it sufficient to call before us the attorney and manager, and the Slaves pointed out as ringleaders, (except the woman flogged by the Lieut. Commissary's orders on the 19th,) and in presence of the officers of the estate and the drivers, to explain to the Slaves that they might consider themselves fortunate in escaping the punishment they had merited for disobedience of orders, and that should they render themselves amenable to the law on a future occasion, their past conduct would not be forgotten. Then we distinctly state in private to Mr. M'Gowan, that his interpretation of the order was incorrect and illegal, and that had the Negroes obeyed it and prepared their complaints afterwards, he must have been prosecuted for the penalty; and to Mr. Lloyd, that his application to the Commissary Commandant appeared to us premature.

2d. With respect to the charge so fully substantiated by Marie Rose, your Commission, having before them your Excellency's Proclamation of June last, wherein, by the 2d clause, reference is made to the proceedings of a Commission appointed previous to the promulgation of the Slave Law, to inquire as to the management of this same estate, and by which the government pledges itself, that provisions of the Slave Law shall in such cases be strictly enforced; they cannot but recommend, that His Majesty's Attorney General be directed to enter a prosecution against Mr. M'Gowan.

3d. Emelie's complaint having proved completely groundless, the same even-handed justice requires, and indeed, the state of the gang renders it, in our opinion, necessary that she should be punished under the 122d section, and as the Commission of Inquiry emanates from your Excellency, it will rest with you to limit the extent of the punishment.

In the matter respecting Adelaide, this Commission beg to express their full conviction, that no blame attaches to the officers of the estate, an opinion which they make no doubt your Excellency will share in, on reading the deposition of Doctor Chevalier, whose skill, humanity, and high general character are perfectly known to your Excellency.

They also beg to add, that Mr. Lloyd seems to them exempt from blame on every point which they have investigated, except that previously mentioned, which he had recourse to in consequence of the Commissary Commandant's advice and opinion, when it was quite impossible for him to foresee the use that would be made of his letter. He states, "that it had been a very painful "circumstance to him for some months past, that the Negroes had never gone "near him to complain, and he never knew what had taken place until "they were actually in jail, having preferred their complaints to the public "officers."

This is certainly very unusual on the part of plantation Negroes; but the fact, which is in part confirmed by Marie Rose, satisfactorily accounts for this cruel and illegal mode of punishment having been latterly inflicted on the estate (and it was only introduced latterly) without Mr. Lloyd's knowledge.

(Signed) J. JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.

Castries, 14th August 1826.

ENQUIRY upon the Union Estate, by virtue of a commission issued to his Honour John Jeremie, First President, Honourable H. De Bernard, and J. M. Stephens, Esquires, by his Excellency

M. J. MAINWARING, Governor.

Union Estate, 10th August 1826.

THE commission being read, Mr. James M'Farlane was sworn in as Clerk to the commission.

The proceedings then commenced by reading the following Correspondence:

1.—John Lloyd, James M'Gowan, Louis Delomel, Louis Leriche, dated 8th July, 1826, à M. Le Commissaire De Castries.

2.—Lafitte, dated 9 Juillet, à M. Le Procureur, Général.

3.—James M'Gowan, 12th July, to P. L. Lafitte, Commissary,

4.—William Pattison, Lieutenant-Commissary, to John Lloyd Attorney to Union.

5.—Lafitte, 15 Juil. 1826, à L'Honi, John Jeremie.

6.—John Lloyd, dated 17 July, to William Pattison, Lieutenant-Commissary.

7.—James M'Gowan, 18 July, to P. L. Lafitte.

8.—James M'Gowan, 19 July, to William Pattison.

9.—William Pattison, 16 July, to the Honorable John Jeremie.

10.—Castries Jail Report, dated 7 August, 1826.

CORRESPONDENCE.

MONSIEUR, *Castries, 8th Juillet 1826.*

J'ai l'honneur de vous informer que l'attelier de l'habitation Union, malgré l'exactitude qu'on a eu de remplir les formalités que la lois nous ordonne envers eux, et après leur avoir donné la journée de Jeudi entière outre leur morne ordinaire de Sallée, 5 aunes et $\frac{1}{2}$ de colette, une casaque, un chapeau, deux couteilles de rum chaq'un, ont refusé de travailler aujourd'hui Samedi, 8th Juillet 1826, à l'exception des Esclaves ci-dessus denominés Jean, Philippe, Benjamen, Baptiste, André, Seveille, Albion, Mark, Bacchus, Jim, Gaspard, Charle, François, Elisé, Pitter, Joseph, Gill, Lorette.

En consequence j'ai l'honneur de vous prie Monsieur Le Commissaire, de m'instruire sur les démarches que je dois prendre pour remettre le bon Ordre sur l'habitation.

J'ai l'honneur, &c.

(Signé) JOHN LLOYD.

Je declare que le fait ci-dessus est veritable.

(Signé) L. DELOMEL.

Je declare le fait veritable.

(Signé) L. LERICHE.

A Monsieur Mons. Le Commissaire du Quâtier de Castries, Ile St. Lucie.

MONSIEUR LE PROCUREUR GENERAL, *Castries, le 9th Juillet 1826.*

Je regrette d'avoir à vous informer de l'insubordination qui s'est manifestée hier d'une manière presque générale dans l'attelier de l'habitation Union: à l'exception de quatorze ou quinze negres males, tous ont refusé de travailler.

Cette désobéissance est d'autant plus repréhensible, que d'après les ren-

seignemens qui me sont parvenus, cet attelier est traité ponctuellement conformement aux réglements, et que cette dernière semaine, la revolte étant finie, il lui à été accordé en autre de la morne qu'on à coutume de donner, toute la journée de Jeudi, comme gratification ; on à aussi distribué ce même jour, à tous ces esclaves, 5 aunes et $\frac{1}{2}$ de colette, une casaque, un chapeau, et deux bouteilles de rum.

L'esprit qui domine dans cet attelier, Monsieur le Procureur Général, est le même, je crois, qui règne également sur beaucoup d'autres, en consequence, je crois, qu'il est urgent d'employer un moyen coërcitif pour arrêter ce désordre, et les consequences qui peuvent en resulter.

Je serai donc d'avis de requérir un détachement d'une trentaine d'hommes de milice, pour les faire rendre demain à l'Union, à fin de faire arrêter les chefs de l'insubordination, et en faire un exemple. Comme cette événement est d'une grande importance, quoiqu'il n'y aie pas de tems à perdre, j'attends votre réponse.

Je n'en ai pas besoin de vous observer que dans le cas que vous approuviez la proposition que je vous fais de requérir un détachement de milice, son Excellence doit en être prévenue.

J'ai l'honneur, &c.

(Signé) LAFITTE.

EXTRACT.

My dear Sir, *Castries, Sunday.*

I transmit herewith a letter which I have just received from Mr. Lafitte respecting the Union Negroes, as I am informed by Mr. M'Gowan, that the people are all at home and are perfectly quiet at present, I have recommended an investigation of the affair to be deferred until your return on Thursday. Mr. Mallett is unwell, &c.

(Signed) L. MUTER.

To the Hon. John Jeremie, &c. &c.

Sir, *Union Estate, 12th July* 1826.

I regret exceedingly the delay that has intervened in redressing the complaint that was made by the attorney of this property on Saturday last, concerning the insubordination of the Negroes (although I am well aware of, and duly appreciate, the motives that caused that delay), as the Negroes appear now to think they may act in any manner they please with impunity. They no longer pay the least attention to the remonstrances of myself or the overseers, nor do they regard the blowing the shell that warns them to turn out to work, but arrive at what hour and in what manner they think fit; and when in the field they do not perform one half of the work they ought, and have been accustomed to perform, and what they do is done in a careless and slovenly manner.

I hope, Sir, after what I have stated, you will see the necessity of acting with all the promptitude possible, in order to establish order upon the property.

I remain, &c.

(Signed) JAMES M'GOWAN.

To P. L. Lafitte, Esq. Commissary Commandant, Castries.

Castries, le 15th Juillet 1826.

Monsieur le Commissaire Commandant,

Monsieur le Procureur Général m'a mis entre mains votre lettre au sujet de l'habitation l'Union.

Votre opinion sur l'insubordination des atteliers me parait extrêmement éronée. Je sais, non sur le rapport d'autrui, mais par ce que j'ai vu depuis huit jours, que jamais les esclaves n'ont été plus obéissans, ni les maîtres généralement plus contens.

J'apprends que le Sieur Lloyd vous a presenté une plainte par écrit qu'il eut convenu que vous eussiez transmise avec votre rapport, et que vous aurez la coûte de me transmettre directement au plus tôt, et même dans les circonstances actuelles je vous prie de veiller à ce que tous les rapports pareils, que vous

pouviez avoir à faire sur l'état des esclaves, soient accompagnés d'une plainte signée du Propriétaire, ou de son fondé de Pouvoirs.

Il est impossible de me decider sur les mésures à prendre, soit en m'addressant à Monsieur le Governeur, soit par le moyen des Tribuneaux, que je ne sache distinctement de quoi on se plaint; mais je ne puis pour un instant laisser entretenir l'idée qu'il y ait le moindre motif pour requérir la force armée.

J'ai l'honneur, &c.

(Signé) JOHN JEREMIE.

Monsieur le Premier President, *Castries, le 15th Juillet* 1826.

D'après la lettre que vous m'avez fait l'honneur de m'écrire ce jour, je joints ici la plainte de Monsieur Lloyd, et le rapport subséquent du Géreur de l'habitation l'Union; ce matin on m'en à fait un verbal semblable au dernier.

J'ai cru lors de mon première rapport à Monsieur le Procureur Général, qu'il étoit convenable de rétablir l'ordre, dans cet attelier, puisqu'à l'exception des ouvriers, &c.; tous les Negres étoient désobéissants, et que la plainte à toutes les signatures qui peuvent garantir la veracité des faits.

Si l'esprit qui domine dans l'attelier de l'Union n'est pas le même d'insubordination qui se montre sur d'autres atteliers, je suis induit en erreur, et je puis assurer que je n'ai pas entretenu du tout, Monsieur le Procureur Général, de mon opinion, mais bien de celle d'habitans respectables de plusieurs quartiers il y a, sans doute, des exceptions à faire; mais ce moment montre ses difficultés.

J'ai l'honneur, &c.

(Signé) LAFITTE.

Partant pour la soufrière je vais en prevenir Mr. Pattison, pour qu'il veuille bien se charger du service.

Sir, *Sunday, July* 16, 1826.

I last evening received a complaint from Mr. Lloyd, Attorney to the Union Estate, respecting the insubordination of the Union Negroes, upon which I should have wished to obtain the Governor's sanction; but feeling rather too unwell, I have now to observe, that it does not appear Mr. Lloyd has gone down to the estate himself and tried the effects of those punishments which he is authorized to inflict under the 38th, 39th, 40th, 41st, and 122d sections of the new Slave Law; and until he has done so, or attempted, of course cautiously to do so, I can see no reason for the interference of Government, and can recommend no such measure as that called for by the Commissary, and alluded to distantly by this gentleman.

I beg you will be pleased to forward a copy of this letter to Mr. Lloyd.

&c. &c. &c.

(Signed) J. JEREMIE, F. President.

To Wm. Pattison, Esq., Lieut. Commissary.

Sir, *Castries, 16th July* 1826.

Conformably to the directions of the First President, I beg leave to enclose a copy of his letter on the subject of your complaint respecting the insubordination of the Negroes on the Union Estate; the tenor of which you will please observe for your Government, under the circumstances in which you are placed.

I have, &c.

(Signed) WM. PATTISON, Lieut. Commissary.

To John Lloyd, Esq., Attorney to Union Estate.

Sir, *Castries, 17th July* 1826.

I beg leave to acknowledge receipt of your favour of yesterday, enclosing the copy of a letter from the first President of the same date, and, having duly

noted the contents, in reply beg leave to state, that since the meeting of the Union Negroes, which took place on the 7th current, I have been upon the property repeatedly, and remained there a considerable length of time at each visit; but do not find that more deference is paid to my commands than those of the manager and overseers. In fact, in the whole of last week the Negroes have not done the work that was formerly performed in three days, and they still continue in a state of insubordination. We have no means of solitary confinement upon the estate at present; but handcuffs, stocks, and such means as we are in possession of have been made use of, and I regret to say without effect; and as the women are the principal aggressors, the object of this is to beg that you will authorize us to make use of corporal punishment, in conformity with the 40th article of the Slave Code, to the extent which it may appear prudent to you, on about six or eight of the principal ringleaders, by way of example to the others; and further, that we may be permitted to oblige that portion of the gang which refused to obey orders on the 7th current, to work for two weeks successively, without allowing them one day in the week, as is customary.

Awaiting your reply, I have, &c.

(Signed) JOHN LLOYD,
Attorney to the Union Estate.

Wm. Pattison, Esq., Lieut. Commissary.

Sir, *Union Estate, July 19th* 1826.

I am sorry to be obliged again to trouble you, but the Negro woman named Marie Rose, after receiving fifteen *coups de martinet*, which is 10 less than you authorized me to give her (which ten I took off on her solemn protestations of behaving better in future), has again absconded. This shows a determination on her part to set all subordination at defiance, and which, if allowed, anarchy and confusion must be the consequence.

I remain, &c.

(Signed) JAMES M'GOWAN.

To Wm. Pattison, Esq., Lieut. Commissary.

Sir, *Union Estate, 18th July* 1826.

I am sorry to have to inform you that Lafortune is again runaway. He went down to town on Sunday 8th instant without a permit, and has not been heard of since. I delayed giving you in his name in hopes he might have surrendered himself.

The Negroe woman, Marie Rose, has got into a practice for some time past of turning out in the morning, at from seven to half-past seven o'clock; after being repeatedly warned to turn out at an earlier hour (to which she never paid the least attention), I put her into the handcuffs for an hour and a half to day—she has not turned out with the other Negroes this afternoon, I consequently announce her to you as absent without leave.* I suspect her to be at the head of all the disorders that have happened latterly upon the estate.

The reasons she gives for her turning out so late are, that her mother is sick, which, when I ordered her mother into the hospital to be taken care of, she, her mother, refused and said she was not sick; the second is, that she has got a child which is nearly four years old. Whether these reasons authorise her to turn out when she pleases, and laugh at my orders I leave you to judge.

I am, &c.

(Signed) JAMES M'GOWAN.

* This letter should have preceded the other; it was on the occasion here mentioned that she complained to the Protector General, and preferred the charge which she has since substantiated. *17th August* 1826. J. J.

Mr. John Lloyd was then examined (but not sworn) as follows:

Mr. JOHN LLOYD—examined.

Q.—Did you come upon the estate previous to signing the letter of 8th July in consequence of any complaint of disorder?

A.—It was at the suggestion of Mr. Lafitte, who wished to have a letter addressed to him by me, and attested by the manager and overseers.

Q.—Was the first complaint verbally made to Mr. Lafitte?

A.—Yes.

Q.—Was that verbal complaint founded upon a letter from Mr. M'Gowan to Mr. Lloyd?

A.—To the best of my recollection I received a verbal message, through Mr. Delomel the overseer, from Mr. M'Gowan.

Q.—You acknowledge this letter dated 17th July?

A.—Yes.

Q.—Is there an error in the date of the meeting, stated in the latter letter to be the 7th July instead of the 8th?

A.—Yes: it is the same meeting in both.

Q.—Do you confirm the statement in that letter that you had been on the property repeatedly since the meeting of the 8th?

A.—Yes. I came up on the Saturday, remained the Sunday, and came up on the Tuesday and Thursday.

Q.—Have you a copy of the Slave Law?

A.—Yes.

Q.—Did you, on either of the occasions mentioned in the last answer but one, order the punishment of 25 lashes, provided by the 38th Section of the Slave Law, or any other punishment, to be inflicted on any of the Slaves, male or female, who were pointed out to you as ringleaders.

A.—I did not; as I conceived the evil to originate with the women, whom I could not flog without an order from the Commissary.

Q.—Did you order any of the punishments provided by the 40th and 41st sections of that Law, in lieu of flogging, to be inflicted upon any of the females who had participated in the disorder, or whom you considered as having caused it?

A.—For that particular crime, no. As we had no means of solitary confinement on the estate, and the stocks and handcuffs, and the other means in our power, I did not consider sufficiently severe for the offence.

Q.—By the clause "we have no means of solitary confinement on the estate, and the stocks and handcuffs, and the other means in our power," did you allude to having used them in the case stated in your letter of 8th July, or to any other case? Letter, 17th July. J. J.

A.—I refer to cases which had taken place between the 8th and 17th July, but not to the case referred to on 8th July, in my letter of 8th July. And I shall add, as another reason for not inflicting any punishment in that instance, that, having preferred a complaint, I waited for a definitive answer from those to whom I had preferred it.

(Signed) JOHN LLOYD.
JAMES MACFARLANE.
JOHN JEREMIE.
J. M. STEPHENS.
H. DE BERNARD.

Mr. JAMES M'GOWAN examined (but not sworn).

Q.—Is that your signature to the letter of 8th July?

A.—Yes.

Q.—Do you understand French sufficiently to have a correct knowledge of the contents of the letter, bearing your signature among others, dated 8th July?

A.—Yes.

Q.—How many years have you been manager upon the Union Estate?

A.—Six years, the 14th of this month.

Q.—The letter of the 8th July refers to some disorder which had taken place on that day, and to which you bear evidence. I shall request you to state the whole of the circumstances attending that case, as they came to your knowledge?

A.—I ordered the Negroes to go to work on that day, and they refused (the greatest part of them), although they had had the Thursday preceding to work for themselves.

Q.—Did any thing else take place?

A.—Nothing.

Q.—Was Mr. Lloyd on the estate at the time the disorder took place?

A.—No; though he came up in the evening.

Q.—Did you send to inform him of the circumstance?

A.—Yes; I sent a verbal message through Mr. Delomel, one of the overseers, being myself unwell, and consequently unable to write.

Q.—Did the gang behave riotously or tumultuously?

A.—No; not on that day.

Q.—Did they afterwards? state what they did, and when.

A.—They turned out as they pleased, and when they pleased, without any kind of regularity.

Q.—Did they, in your presence, make use of any threats? or has it come to your knowledge that they had made use of threats?

A.—No; not of threats; but I am informed that they made use of abusive language both to the overseers and the drivers.

Q.—Have they ever used abusive language in your hearing, to any body in authority over them, either on 8th July or since?

A.—I have heard them talk in a manner which did not become them to the overseers. I cannot tell what they said, but I have heard them speak very loud and in a very unbecoming manner.

Q.—Be pleased to name those of the gang whom you consider to have been ringleaders in the disorder of 8th July.

A.—I have no proof, but I believe that three tradesmen, Bob, Cog, Quashy, together with Jacob and Rog, amongst the men; and amongst the women, Marie Rose, Marie Soufrière, and Cicile Soufrière. I was informed by one of the drivers, named Dick, that Marie Rose, seeing one of the women, Fanny, going to the field, had led her away.

Q.—Is the Marie Rose, of whom you complain, the individual who was brought up this morning from the town jail, as having preferred a complaint?

A.—Yes; the same.

Q.—Did you notice these names, or any of them, to Mr. Lloyd?

A.—I am not positive that I did, but I think I have.

Q.—What reason did the gang give for refusing to turn out on the 8th July?

A.—They gave me no reason.

Q.—Do you know of their having given any reason to the overseers or any other persons concerned in the management?

A.—No; I have heard from some of the Negroes that it was not the Thursday that was allowed them, but the Saturday, and that they would have the Saturday.

Q.—Can you be positive whether you heard this language from any of those pointed out as ringleaders?

A.—No; nor can I point out those who held this language. I merely heard it as a rumour among them.

Q.—Have you any fixed rule on this estate as to the day of the week usually allowed to the Negroes?

A.—No; there is no fixed rule, but it is generally the Thursday.

Q.—Was your crop over at the time?

A.—Yes; it was finished that week.

Q.—On what day was it finished?

A.—On the Wednesday.

Q.—Is it not customary in this Island to give the Negroes a day to themselves at the conclusion of the crop? and has such been the custom on this estate since you have held the management?

A.—Always; but not another day in the same week. It was my intention

only to have worked them half the day on the Saturday on which they refused to turn out?

Q.—Was it customary on this estate, formerly, to give them a day in the week, or part of a day?

A.—It was sometimes done.

Q.—How did the gang behave from the 8th July to the 19th? and how have they behaved since?

A.—They behaved very ill from the 8th to the 19th July. But they have behaved much better since.

Q.—Did you take any measures on the 8th July to suppress the disorder?

A.—I could take none, as the Negroes immediately went off to their grounds, and I was unwell myself.

Q.—Did the gang return in the evening?

A.—Yes.

Q.—Have you since taken any measures in consequence of that disorder?

A.—Having written to the Commissary of the Quarter, I did not think myself warranted in taking any measures upon my own authority.

(Signed) JAMES M'GOWAN.
JAMES MACFARLANE.
JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.

M. LOUIS ELIENNE DELOMEL, agé de 19, *ans, econome sur l'habitation l'Union ayant été dûment assermenté a deposé comme suit.*

Q.—Etiez-vous ici le 8 Juillet dernier?

R.—Oui.

Q.—Est-ce là votre signature (la lettre du 8 Juillet lui ayant été exhibée)?

R.—Oui.

Q.—En connoissez-vous la contenue?

R.—Oui—c'est moi-même qui l'a écrite.

Q.—Dites-nous ce qui s'est passé ce jour-là quant aux désordres dont s'est plaint Mr. Lloyd.

R.—Lorsque nous avons fini la recolte, Mr. McGowan a fait distribuer aux negres les articles mentionnés dans la lettre du 8 Juillet, et leur a donné aussi la journée de Jeudi toute entière. Le Vendredi nous avons été au travail. Le Samedi je fus avec le Commandeur au jardin, et je fus très étonné de ne voir venir au travail aucun negre que ceux mentionnés dans la dite lettre, et d'apprendre qu'ils étoient dans leur propres jardins. J'en fis mon rapport a Mr. McGowan, qui m'a envoyé en ville en informer Mr. Lloyd. Ce dernier m'a envoyé faire ma declaration à Monsr Lafitte Le Commissaire Commandant, sans me donner de lettre. Alors Monsr. Lafitte m'a dit que le fait étoit très grave, et qu'il lui falloit une plaint par écrit de Mr. Lloyd. Ces paroles m'ont été dites en presence de Monsr. Laforque.

Q.—Le 8, lorsque vous fûtes envoyé par Mr. McGowan vers Mr. Lloyd d'attelier, s'est-il conduit tumultueusement? avoit-il attaqué, ou insulté, ou menaçé, soit le Gereur, ou aucune autre personne ayant autorité sur eux?

R.—Non pas de ma connoissance; le Lundi ou Mardi ensuite, après la prière, je sais seulement que l'attelier a porté plainte contre moi à Mr. McGowan, disant que c'étoit moi qui leur avois dit qu'ils avoient dit au Samedi ce que je n'avois point fait.—Ainsi qu'il fut alors prouvé, par la bouche des temoins, qu'ils avoient eux-mêmes nommés.

Q.—Quelle est la conduite presente de l'attelier?

R.—Elle pourroit être meilleure.—Ils ne travaillent pas autant qu'ils pourroient le faire.

Q.—Avez-vous jamais été économe sur aucune autre habitation?

R.—Oui; sur l'habitation l'Union de Praslin.

(Signé) JOHN JEREMIE,
H. D. BERNARD.
J. M. STEPHENS.
LOUS. STEPHEN DELOMEL.
JAMES MACFARLANE.

Mr. Louis Leriche agé de 24 ans, économe sur l'habitation l'Union, ayant été dûment assermenté, a deposé comme suit.

Q.—Est-ce-là votre signature ? (la lettre du 8 Juillet lui ayant été exhibé.)

R.—Oui.

Q.—Connoissez-vouz le sujet de cette lettre ?

R.—Oui, parfaitement, et je confirme tout ce que s'y trouve.

Q.—Il y est parlé du refus des negres de travailler le dit jour Samedi 8 Juillet. Rapportez-nous tout ce qui s'est passé à ce sujet qui soit venu à votre connoissance ?

R.—Le Jeudi ils ont reçu ce qui est porté dans cette lettre. Le Vendredi ils ont travaillé mais très lentement. Le Samedi Mr. McGowan avoit donné ordre d'aller travailler au jardin ; loin d'obéir ils furent travailler dans leur propres jardins, à l'exception de ceux qui sont nommés dans la lettre. Il faut adjouter que je suis chargé des Batimens ; l'autre économe pourroit mieux dire ce qui s'est passé au jardin.

Q.—Savez-vous de vous-même si les negres, qui furent travailler dans leurs jardins, avoient reçu l'ordre de se rendre au jardin ?

R.—Mr. McGowan donne ses ordres au Commandeur ; c'est ce dernier qui pourroit dire si l'attelier les avoit eus de lui ; l'autre économe doit le savoir aussi.

Q.—Avez-vous vu aucun rassemblement tumultueux, ou entendu aucun propos menaçant ou injurieux de l'attelier envers les personnes preposées en autorité sur eux ce jour-là ?

R.—Non.

(Signé) JOHN JEREMIE,
H. D. BERNARD,
J. M. STEPHENS,
LOUIS LERICHE,
JAMES MACPHARLANE.

M. Delomel premier temoin ayant été rappelé deposa comme suit.

Q.—Vous avez declaré que vous fûtes fort surpris de voir plusieurs des negres partir pour leurs propres jardins au lieu de se rendre au travail du jardin. Plaira-t-il nous dire à qu'elle heure Mr. McGowan avoit donné l'ordre de se rendre le Samedi matin au jardin ?

R.—Il l'avoit donné Le Vendredi soir, suivant son usage, au Commandeur qui me l'avoit communiqué.

Q.—L'Aviez-vous-même communiqué à l'attelier ?

R.—Oui ; comme cela se fait toujours. Le Commandeur en ma presence leur avoit dit que demain ils devoient se rendre à tel travail.

(Signé) JOHN JEREMIE,
H. DE BERNARD,
J. M. STEPHENS,
LOUIS STEPHEN DELOMEL,
JAMES MACPHARLANE.

Monsieur Joseph Eugine, chévalier, âgé de 36 ans, médecin, ayant été dûment assermenté, deposa comme suit.

Q.—Etes vous le médecin chargé des soins de l'Hon. l'Union ?

R.—Oui.

Q.—D'après le rapport du Géolier de Castries en date 7 courant, dûment visé par Mr. Le Pror. du Roi, il paroit qu'une negresse nommée Adelaide, appartenante à cette habitation, et qui y avoit été envoyée le 31 Juillet pour protection, est morte le 7 courant ;—Pouvez-vous nous donner quelques renseignemens, soit sur la maladie ou la mort de cette negresse ?

R.—Je ne puis vous donner aucun renseignement ni sur sa dernière maladie ni sur sa mort. Mais au commencement du Juillet elle a été mise à l'hôpital sous mes soins, étant attaquée alors d'une fièvre intermittente, qui lui fut coupée vers le 27, ou 28, et elle fut mise alors hors de l'hôpital.

Q.—Est-ce par vos ordres qu'elle a été mise hors de l'hôpital ?

R.—Oui, par mes ordres.

Q.—Devons-nous entendre qu'ayant été mise par vos ordres hors de

l'hôpital vous la consideriez assez bien portante pour se rendre a ses occupations ordinaires ?

R.—Oui, et même depuis 8 jours elle n'avoit plus de fièvre.

Q.—L'avez-vous vue depuis ?

R.—Non.

Q.—Aviez-vous donné aucun ordre soit à Mr. McGowan, ou à toute autre personne de prendre un soin particulier d'elle ?

R.—Non. Je n'en voyois point la necessité.

(Signé) JOHN JEREMIE,
H. DE BERNARD,
J. M. STEPHENS,
CHEVALIER, M. D.
JAMES MACPHARLANE.

On the question being put to Mr. Lloyd, whether he was aware of the nature of the application afterwards made on his complaint by Mr. Lafitte to the Procureur General, he answered, that he had not the most distant idea that any application of the sort had been made.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JOHN LLOYD.
JAMES MACFARLANE.

Mr. James M'Gowan re-examined.

Q.—Have you an hospital on the Estate ?

A.—Yes.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHEN.
JOHN LLOYD.
JAMES MACFARLANE.
JAMES McGOWAN.

Marie Rose having been called in, and asked what cause of complaint she had against the manager of the estate, she stated, that she had not gone out at the usual hour, in consequence of its being necessary for her to take care of a small child of hers, and of her mother, who is too old and decrepid to take care of herself; that she had in consequence been handcuffed, then placed with her hands over her head, the handcuffs resting on a nail, which was still in the same place, her feet being tied also. Being asked whether her heels touched the ground, she stated that her heels were considerably elevated, whereupon the Commission ordered the child and the mother to be brought in before them. The child appeared to be about four years of age, and in perfect health; the mother exceedingly infirm, and apparently worn out with age.

Mr. M'Gowan having been called in, and being asked, first, whether there was a nursery woman charged with the care of the children on the estate, he answered, yes; and the nursery, with the nursery woman and children, were afterwards pointed out, the whole being perfectly clean, and in good order. He was then asked, whether there was a person on the estate charged with the care of the old and decrepid ? He answered, there was not, but that he did not require the complainant, Marie Rose, to join the gang before sun-rise, allowing her from day-break to sun-rise to prepare her mother's breakfast, and take care of her. He was asked, when this arrangement was made by him ? He answered, that he had definitively made it on 19th July, but that he had allowed her this indulgence for a considerable time before. He was then questioned as to the punishment. He answered, that the statement of Marie Rose, as to her having been handcuffed, tied by the feet, and afterwards placed in the position by her stated, was in part correct, but that both her heels rested on the ground. He admitted also, that the nail was still in its original place. This latter fact being confirmed by both parties, the Commission thought it

their duty, with a view of ascertaining precisely the position in which she was placed, to order that she should now, in their presence, be tied up in the same way; and Mr. Delomel, overseer, who had tied her up the first time, was directed to place her precisely in the same position. This was done in the presence of Mr. Lloyd and the Commission, when it appeared that her heels were considerably elevated above the ground, and that her whole weight rested either upon the handcuffs or upon the toes. Marie Rose stated, that she had been from twelve o'clock to two in that position. Mr. M'Gowan, from an hour and a quarter to an hour and a half.—Mr. M'Gowan having been called in, and the preceding statement read to him, he requested to be allowed to make the following observation, which was acceded to: He observed, that although she was tied by his order, he had not gone down to see it done, but that Mr. Delomel, the overseer, charged with inflicting the punishment, had reported to him that her heels did touch the ground. In consequence of the above ob servation, it was proposed by the President, with the sanction of the Members, that Mr. M'Gowan, if he supposed there had been any trick or deception practised by Marie Rose at the trial, which had taken place in this presence, should himself order her to be tied up immediately anew, taking any precaution which he might point out to prevent his being deceived. Mr. M'Gowan declared that he left it entirely to the Commission, and that he did not desire another trial. Mr. Lloyd having been asked if this punishment had been inflicted with his privity, answered, that he was sick in Castries, and that he never knew any thing of it till Marie Rose was in jail.

Q.—Whether any complaint had been made to Mr. Lloyd with respect to this punishment by any body on the estate?

A.—Never.

Q.—Did Marie Rose, before she went to the Procureur General, apply to you for redress?

A.—No, she did not, nor had I seen her on the subject; and I must beg leave to add, that it has been a very painful circumstance to me, that for some months back the negroes never came near me to complain, and that I never knew what had taken place till they were actually in jail, having preferred their complaints to the public officers.

Marie Rose having been called in, and asked if she had given Mr. Lloyd any intimation of the punishment to which she had been exposed previously to applying to the public officers? She answered no.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JOHN LLOYD.
JAMES M'GOWAN.
JAMES MACFARLANE.

The Complaint of Emélie.

SHE stated, that having a blister applied to her back, and having a sore foot, she was, notwithstanding, ordered into the field, when, considering herself ill-used, she went and complained to the Procureur du Roi. Being asked at what hour she left the estate, she answered at the breakfast hour (about nine), and she arrived at Castries at mid-day (noon).

Mr. M'Gowan called up and examined, stated, that the negress Emelie had had a blister about a month ago, and three others blistered at the same time had long ago been at work in the field. Mr. M'Gowan seeing her always in the same position in the hospital, had ordered her to take her hoe and clean the grass and weeds from about the door, when she went away, and he had not seen her since.

Having been questioned as to how long she had remained at work before she carried her complaint to town, she answered that she had not worked at all.

Joseph, who also had been sent to jail, has no complaint to prefer.

(Signed) JOHN JEREMIE.
H. DE BERNARD.
J. M. STEPHENS.
JAMES MACFARLANE.

The foregoing is a true copy of the proceedings of the commission at the Union Estate on the tenth day of August, one thousand eight hundred and twenty-six.

(Signed) JAMES MACFARLANE, Clerk.

No. 3.

SIR, *Downing Street, 16th October* 1826.

I HAVE received your despatch of the 15th of August, and I approve of the measure which you had adopted, of having the several estates in the Island visited by a Commission. I observe, by the enclosures of your despatch, that women are considered to be subject to corporal punishment under the existing laws of St. Lucia if that punishment be authorised by a Commissary. I find, that, by the Slave Ordinance which was drawn up by Mr. Jeremie, the punishment of the whip was forbidden to be inflicted, "by order of the master," upon females above twelve years of age, but I do not, in that ordinance, meet with any article such as that referred to in Mr. Lloyd's letter to Mr. Pattison, of the 17th of July last; and I have to request, therefore, that you will desire Mr. Jeremie to report for my information, what is the state of the law in regard to the infliction of corporal punishment upon female Slaves by any other authority than that of the master, and whether the law, whatever it be, is equally applicable to free women. You will inform me, in due time, what proceedings have been taken against the manager named M'Gowan, recommended to be prosecuted for a cruel and illegal punishment, and what has been the issue; and you will also report the issue of the investigation which was to be made into the treatment of the Negro woman Adelaide in prison.

I have, &c.

(Signed) BATHURST.

Major-General Mainwaring.
&c. &c. &c.

No. 4.

MY LORD, *Government Pavilion, St. Lucia, 20th December* 1826.

WITH reference to your Lordship's letter of 16th October ultimo, I have the honour to transmit a letter from his Honour the First President, giving the required explanation as to the state of the present Law in regard to the infliction of corporal punishment upon female Slaves, and which, I trust, will be considered satisfactory. At the same time I beg to assure your Lordship that the Commissary Commandants who have the power of summarily deciding on offences committed against the Law by Slaves, and consequently are authorized to order the infliction of legal corporal punishment, or one month's imprisonment and hard labour on the plantation, are men of the highest character, in general fathers of families, and respected by all classes in their districts; and I feel the truest gratification in stating that since the promulgation of the Law I have never had a single cause of complaint, or even a murmur against their decisions.

In regard to the negro woman Adelaide I regret to say that she died in the sick ward of the prison at Castries before any investigation into the treatment she complained of could be made; but I am warranted, from the reports of the two medical gentlemen who attended her, in saying, that her decease was occasioned solely by her own act of imprudence.

McGowan, the manager, was tried by the Court of Senechaussee, found guilty, and sentenced to pay a fine of fifty pounds, but the Procureur General, not considering the punishment at all adequate to the offence, has very properly appealed, and the affair will be taken cognizance of at the ensuing Session in January, the result of which I shall not fail in communicating to your Lordship.

I have, &c.

(Signed) J. MAINWARING,
Major-General Governor.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

SIR, *20th December* 1826.

I HAVE the honour to forward the following Report upon the present state of the Law in regard to the infliction of the punishment by flogging upon female Slaves.

The sections of the Slave Law bearing upon this subject are the 40th and 96th. By the first the punishment is never to be inflicted except in execution of a sentence of a Court, or of an order from the Procureur du Roi, or Commissary Commandant; and by the latter, Commissaries Commandant are allowed "to *decide* summarily, and without an appeal, upon all misdemeanors committed by Slaves, where the punishment by Law awarded does not exceed forty lashes, or one month's imprisonment and hard labour on the plantation." This necessarily implies inquiry and investigation, therefore Mr. Lloyd was not warranted in applying for permission to punish five or six females without examination, without any specific charge, without even naming the offenders, and accordingly his application to this effect remained unnoticed.

The Commissary Commandant is the Governor's representative in the district. He is chosen annually by the Governor in Council, by virtue of an Ordinance passed in July 1825, which I recommended, that Government might be enabled to nominate the fittest persons, and occasionally to re-consider their choice, and remove those who were not found fully competent to the discharge of the duties of this office. His powers are regulated as regards free persons by the Order of March last, and as concerns Slaves by the sections above mentioned. It follows that a Commissary Commandant can inflict the punishment of the whip upon a Slave, but not on a free person, male or female; so that, though the punishment of flogging is recognized by Law with reference to all classes, and both sexes, to inflict it on a free person requires the sanction of a higher tribunal, of the Court of First Instance, or Royal Court. The punishment is the same, the mode of trial different.

In short, the Law upon this head now stands, with reference to *female Slaves*, as it did in England anteriorly to 32d Geo. 3, cap. 45, when a Justice of the Peace could, under the 17th Geo. 2d, cap. 5, sec. 7, order females to be flogged as rogues, &c. (Comyn's Digest,—Justices, B. 78); and with reference to *free females* as it did anteriorly to 57 Geo. 3d, cap. 75); except that the number of lashes is limited, and that they are in no case to be publicly flogged.

The death of the woman named Adelaide appeared, on further investigation, to have been caused by her having bathed in the sea in her way to town at a time when she had not been twenty-four hours out of hospital. As soon as she complained of illness she was visited by the Gaol Surgeon, and when the Procureur du Roi was informed of her being worse, he sent expressly for another medical attendant, the former not being then in town.

I have, &c.

(Signed) J. JEREMIE,

First President.

To his Excellency Major-General Mainwaring, Governor.

No. 5.

SIR, *Downing-Street, February* 21, 1827.

I HAVE received, and have laid before The King, the Act passed by yourself, with the advice of your Council, for improving the condition of Slaves in the island of St. Lucia, and I have received His Majesty's commands to make the following communication to you in reference to that Act:

The provisions respecting the office of Protector and Guardian of Slaves, are avowedly defective, as compared with the corresponding provisions of the law of Trinidad. These omissions appear to be all referable to the same general cause, that is—the permanent union of the office of Protector with that of Procureur-General; this combination of offices may for the present be convenient, and even necessary, but as it may at some future time be proper to effect a separation of them, it is fit that this power should specially be reserved to His Majesty, and that the law should contain the rules, which, in the event of such a separation, would be necessary for the regulation of the office of Protector.

The prohibition of holding property in Slaves, does not appear to extend to the case of mortgages on the said property, nor is the Protector, as the law is at present framed, disqualified from acting as the Manager of a plantation, or as the Trustee of Slaves for others. It will be necessary to supply this omission and to render the acquisition of Slave property by the Protector a forfeiture of office. The payment of his salary must also be more dependant upon proof being previously given of the due delivery of his returns, and a specific penalty must be denounced against the offence of falsifying his records by fraudulent entries or erasures.

Respecting the observance of Sunday, the Act contains no clause for the abolition of markets on that day, and if I do not misapprehend the effect of the Act, no penalty would follow the employment of Slaves to labour on Sunday, unless proof could be given that they had been urged to work by actual compulsion. In Trinidad the Slaves may be employed to labour on Sunday without wages, when the object is to prevent irreparable injury to the estate upon accidental emergencies: but they must receive wages if their labour be required to meet those emergencies which may be termed habitual. The Act of St. Lucia, reverses these rules. In Trinidad the actual payment of the wages to the Slave is necessary to justify his employment on Sunday, unless in the cases above excepted, a condition which the Act under consideration does not impose.

In all these respects this Act, so far as it relates to the observance of Sunday, and particularly with respect to labour on that day, must be revised and corrected.

With regard to the punishment of Slaves, it would appear that no interval is required to elapse between the offence and the punishment, when the offender is a female. The restrictions respecting punishments are not to apply to those which are inflicted by the Commandants of Quarters; yet, as they will probably be always planters, there is no sufficient cause for this exemption in their case. Although the use of the whip in the field is forbidden, the prohibition is not extended to other similar instruments of coercion or intimidation, and the law would not be broken if the whip were carried into any place except the field, or if a direct authority from the Master for carrying it cannot be proved. The correction of females by whipping under the domestic authority of the Master is permitted till the age of twelve. It is, however, fit to adhere to the rule prescribed in Trinidad, which has fixed the age of ten years for this purpose. Some provisions will be necessary for preventing the substituted punishments of the stocks and hand-cuffs from being converted into instruments of cruelty, and some person should be present to witness the infliction of other punishments besides that of whipping, at least long enough to ascertain that the punishment is not inflicted in an illegal manner. The periodical returns of punishments should specify the name of the person by whose authority the punishment was inflicted, and provision should be made for the manner in which the Assistant Protectors of Slaves are to make their own returns.

It will be necessary that the law, so far as it relates to the subject of punishment, should be amended in the several particulars which I have thus noticed.

Upon the subject of marriage, I observe, that the Procureur General is to decide on the sufficiency of all objections which may be made to the marriage of Slaves, whereas, in Trinidad the marriage is always to be permitted, unless it should be shewn that it would be injurious to the Slaves themselves. It is not expressly required by this Act that marriages are to be performed gratuitously. In these respects the Act will require amendment.

In connection with the subject of the separation of families, I perceive a Clause by which tenants and others, who have the temporary occupation of an estate, are exempted from responsibility for the value of Slaves who may die during their temporary enjoyment of it. This Clause is objectionable in itself, and is still further open to objection, because it has no proper or necessary connection with the general subjects of this Act. It will, therefore, be necessary that it should be omitted.

The property of Slaves dying intestate and without heirs is given by this Act not to the King, as in Trinidad, but to the Owner. It will be necessary, in this respect, to revert to the provisions of the Trinidad Law.

Respecting evidence, there would seem to be some want of precision in the language of the enactment. They would seem to render slavery a positive qualification for a witness, instead of declaring that it shall not operate as a disqualification. This Act would enable a Slave to give evidence in his Master's favour, although he is prevented from becoming a witness against him. Upon this point it will be necessary to adopt the Law of Trinidad, which appears better adapted to ensure substantial justice.

The regulations contained in this Act, for the prevention of excessive labour, require some further explanation: although I am fully persuaded that the intention with which these Clauses were framed was humane and considerate, yet the amount of labour which the law permits the Owner to exact would appear to be much more than could be consistent with a due attention to the health of the labourer. This is more especially the case with reference to night-work, since, in addition to the labours of the day, it would seem that the Slave might lawfully be employed on extraordinary occasions of forced crops, and on all unforeseen occasions, for four entire nights, or for half of six nights, during the week. His Majesty's Government are unwilling to issue any positive instructions upon a subject of this nature, without the advantage of receiving the most ample explanations; but the propriety of these enactments must be fully explained before it will be in His Majesty's power to sanction them.

It would be desirable to have more information than has hitherto been transmitted on the subjects of clothing and food. The catalogue of articles of clothing with which the Slaves are to be supplied would seem to be very defective. The regulations respecting food are expressed in language which do not seem to carry into execution the intentions of the framers of this Law, as explained in the accompanying remarks of the First President of the Royal Court. Some revision of the words of the Law on this head will be desirable.

The limitation of twelve months for the prosecution of all offences, seems to include the case of murder and all other crimes of the most aggravated nature. In those cases such a limitation would obviously be improper.

Such are the principal remarks which have occurred with reference to the various provisions of this Act. The omissions to which I have adverted might of course have been supplied by an Order of His Majesty in Council; but His Majesty's Government are unwilling to advise a course which might seem to throw any suspicion upon the disposition of the Council of St. Lucia to carry His gracious intentions in favour of the Slave population into full effect. I am, therefore, to instruct you to lay this despatch before the Council, and to invite them to resume the consideration of the subject, in order that further enactments may be prepared for the amendment of this Act in the various particulars to which I have adverted

It is His Majesty's pleasure that, for the present, the Act which you have transmitted shall have its operation in the island of St. Lucia, and you are

authorized to promulgate and carry into immediate operation provisionally, until His Majesty's pleasure is known, any further Act which may be passed in amendment of it.

I have great satisfaction in signifying to you, in general, His Majesty's gracious approbation of the manner in which this Act has been framed. It reflects much credit, not only upon the Members of the Council, by whom its various provisions were adopted, but upon the learned President of the Royal Court, by whom those provisions appear to have been prepared. They are obviously the result of much industry, directed by great ability and learning. I have, &c.

Major-General Mainwaring. (Signed) BATHURST.
&c. &c. &c.

No. 6.

My Lord, *Pavilion, St. Lucia, April* 30, 1827.

I HAVE the honour to enclose the draft of an Order in Council, by which the Slave-law of the 8th February 1826, is amended in every particular, save one, pointed out to me in your Lordship's despatch, of 21st February last: to the remarks subjoined at the request of the Council by Mr. Jeremie, I shall, in confirmation of his last observation, beg to add the fact, that though I, together with that gentleman, naturally took an active part in these discussions, every resolution, save one, passed entirely by a majority among the Members of Council, who are Slave-holders; and I do venture to express the hope that this feeling on the part of the Colonists may be met by a corresponding feeling on the part of the anti-colonists at home, when I trust the West India Question will be set at rest in a manner which I hope will be satisfactory to your Lordship. I have, &c.

(Signed) J. M. MAINWARING,
Major-General, Governor.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

ORDER IN COUNCIL.

WHEREBY several of the provisions contained in the Order of the 8th February last, by which a new Slave-Law was established for the Island of St. Lucia, are revised and amended.

(Signed) J. M. MAINWARING,
Major-General, Governor.

By His Excellency John Montagu Mainwaring, Major-General, commanding His Majesty's Forces, Governor and Commander-in-Chief in and over the Island of St. Lucia, and Vice-Admiral of the said Island, &c. &c. &c.

HIS Majesty having been pleased, in expressing generally His gracious approbation of the Orders in Council of the 8th February last, relative to Slaves, to direct that certain parts of the enactments contained in the second Order of the above date, whereby a new Slave-law was established for this island should be revised and amended, and His Majesty having been also pleased to authorize the Governor to promulgate and carry into immediate operation provisionally, and until His Majesty's further pleasure be known, any further Act which might be passed in amendment of it.

And having submitted such His Majesty's pleasure, as contained in a despatch from the Right Honourable the Earl Bathurst, of 21st February last, to the consideration of His Majesty's Privy Council in this island, I, John

Montagu Mainwaring, Major-General commanding His Majesty's Forces, Governor and Commander-in-Chief of the island of St. Lucia, do now, by and with the advice of the said Privy Council, and in virtue of the powers in me vested, enact and ordain, and it is hereby enacted and ordained,

1.—In addition to the provisions respecting the Protector, that nothing in the said Order in Council contained shall extend to prevent His Majesty from disuniting the office of Protector of Slaves from the office of Procureur-General, and from appointing a distinct and separate officer to act as and be Protector of Slaves, in case His Majesty shall see fit to do so.

2.—And it is hereby further ordained, that the said Protector of Slaves shall establish and keep an office in the town of Castries, and shall regularly attend at such office on such days and during such hours of the day as the Governor, or Officer administering the Government of the said colony, by any general or special orders to be by him from time to time issued may appoint; and shall at such office, and not elsewhere, keep, deposit and preserve the several records, books, papers and writings hereinafter directed to be kept by him.

3.—And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within the said colony, or of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slave or Slaves; and shall, and he is hereby declared to be, incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any plantation or estate within the said colony, or to act as the Guardian, Trustee, or Executor of any person or persons having or being entitled to any such plantation, or any Slave or Slaves; and in case any such Protector of Slaves within the said colony shall have, acquire, hold, or possess, either in his own right, or in right of his wife, or in trust for any other person or persons, any plantation situate within the said colony, or any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation or Slave or Slaves, or shall act as Manager, Overseer, Agent, Attorney, Guardian, Trustee, or Executor as aforesaid, he shall henceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office.

Provided, nevertheless, that all acts which may be done by or by order of any such Protector of Slaves, after any such avoidance as aforesaid of such office, and before the same shall, by public notice in the Gazette of the said colony be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4.—And it is further ordered, that the said Protector of Slaves shall be resident within the said colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Governor, or Officer administering the Government for the time being of the said colony; and no such licence shall be granted in any case by the Governor, or Officer administering the Government for any time, exceeding three months, nor shall any such licence be granted by any such Governor, or Officer administering the Government as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5.—And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said colony, it shall be lawful for the Governor, or Officer administering the Government, to nominate and appoint some other fit and proper person to act as Protector, or as the Deputy for the said Protector of Slaves, as the case may be, until His Majesty's pleasure shall be known; and the said Deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Governor, or Officer administering the Government for the time being of the said colony, shall be pleased to appoint.

Provided always, that the person to be appointed as Deputy Protector shall, if in all other respects qualified for the office, be selected from those who are neither Proprietors of Slaves, nor have any interest in Slave property, unless it be impossible to find a proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case it shall be the duty of the Governor, or Officer administering the Government for the time being, to transmit to His Majesty's Secretary of State a statement of the peculiar circumstances justifying the departure from the general law.

Provided that the Protector of Slaves in the said colony shall at all times perform his duty in person, and not by deputy, except in cases in which the Governor, or Officer administering the Government of the said colony, is hereinbefore authorised to appoint a deputy for that purpose.

6.—And it is hereby ordered, that the said Protector or Deputy-Protector of Slaves, shall have power to administer an oath in all matters relating to the duties of his office; and all such authority, of what nature or kind soever, as is now by law vested in the Commissaries Commandants of the several districts of the colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector of Slaves, to be by him exercised throughout each and every district of the said colony.

7.—And it is hereby further ordered, that all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice within the said island, wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of a Slave, or wherein any question may arise respecting the right of any Slave to property; then, in every such case, due notice shall be given to the Protector and Guardian of Slaves of every such action, suit, or prosecution; and the Protector and Guardian of Slaves shall, and is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the Protector of such Slave, and on his or her behalf; or to retain Counsel to act therein in such manner as may be most conducive to the benefit and advantage of any such Slave, as fully, but in such manner only, as Counsel could be allowed to act if the said Slave were of free condition.

The 34th Clause of Demerara Order,* relative to the Protector's salary, and falsifying his records, is omitted by an oversight; it forms part of the draft, and will be inserted in the copy that is to be promulgated.

8.—It is further ordered, that an Assistant Protector, or Procureur du Roi's Substitute, shall be appointed to reside at Vieux Fort or Souffière; that he shall receive out of the colonial chest a salary of £100 sterling per annum; that he shall be subject to all the disqualifications and conditions set forth in the 3d, 4th, and 5th Sections hereof; that he shall make oath faithfully to execute and perform the duties of the office of Assistant Protector and Procureur du Roi's Substitute to the best of his abilities, without fear, favour, or partiality; that he shall possess the powers of the Protector in his absence, and be aiding and assisting the said Protector in the execution of the power committed to him; and for that purpose he shall obey and carry into execution such lawful instructions as he may from time to time receive from the said Protector, or from the Procureur-General, in relation to his office.

9.—And it is hereby ordered, that the 20th Section of the said Order in Council, relating to usufructuaries, tenants, and others, having the temporary enjoyments of estates, be, and it is hereby cancelled.

10.—And it is hereby ordered, until Sunday markets be utterly abolished, that, from and after the 30th day of June next, Sunday markets throughout the island shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given, by the ringing of a bell at half-past ten, to

* Vide Papers of 1825, page 277.

all persons to prepare to depart; and that, after the said hour of eleven, on person or persons whatsoever shall shew forth, or expose for sale, any meat, poultry, fruits, provisions, wares, merchandize, goods or effects, on pain of the forfeiture of the goods or effects so exposed.

And it is also ordered, that the Owners of all stores or shops kept open on Sundays after the said hour of eleven, for the purpose of trade, shall forfeit and pay £5 sterling.

Provided always that nothing herein contained shall extend to the prohibition of dressing or selling meat in inns or victualling houses, or to the sale of fish, provided the same shall not take place during the hours set apart for Divine Service.

11.—And in explanation of No. 22, to settle all doubts as to the proper meaning and intention of the said Section, it is hereby declared that it is and was originally intended that Plantation Slaves not being domestics, or employed in bringing grass or fodder, should not be worked on Sundays without being paid their wages, or the time being made up to them, as mentioned therein, nor shall they be employed on payment of wages, except on emergencies.

And it is declared that it shall not be, nor is it necessary to give proof, that the Slaves have been urged to work by actual compulsion, but on the contrary, the penalties shall be incurred whenever the Slave shall have been employed on Sunday, except in the cases herein and by the said Section excepted.

12.—In lieu of the Fête Dieu, the festival to be observed will be in future the fête patronale of the quarter.

13.—In addition and explanation of 24th Section, it is further ordered, that when the Slaves are employed at night, they shall, under any and every circumstance, be entitled to eight hour's rest consecutively out of the twenty-four hours, in the penalty provided in the 43d Section.

14.—And it is further ordered, with reference to the 30th Section, that when the Master shall allow his Slaves to work in their provision grounds during one whole day in every week throughout the year, in addition to the whole day out of crop, and half a day in crop, besides Sundays, already mentioned in said Section, he shall be required to furnish them with no provisions whatever.

15.—And for the full and effectual enforcement of the provisions contained in Section 37, it is further ordered, that on the day fixed by the Commission for the inspection of the several plantations, whereof public notice shall be given by the public Officer attached to each Commission for at least eight days previous to the day appointed, the Proprietor, Attorney, Manager, or other chief persons in authority on each estate, shall meet and accompany the Commission throughout their inspection of the said estate, unless prevented by sickness, or some other unavoidable cause, which shall be deemed satisfactory by the said Commission, on a penalty of £25 sterling, besides being called on to defray the expences attending a second visit, or a new Commission.

16.—The 39th Section is cancelled, and in lieu thereof it is ordered, that it shall henceforth be illegal for any person or persons within the said colony to carry a whip, or any other instrument of punishment, into the field or elsewhere, either as a badge of authority, or as a stimulus to labour, and all and every person acting against the true meaning hereof, or directing or authorising such illegal act, shall, if a free person, incur the penalty prescribed in Section 43; and if a Slave, he shall be subject to corporal punishment.

17.—The 40th Section, from and after the 1st of November next, is to be taken and considered as cancelled, and in lieu thereof the following is substituted:

The punishment of flogging shall not be inflicted by or on the part of the Master upon females above ten years of age, except in the execution of a sentence of a Court, or of an order from the Protector of Slaves, the Procureur du Roi, or the Assistant Protector. And the mode of inflicting such punishment shall, in all and every case, be subject to the rule laid down for males in Section 38 of the Slave-law.

Such punishment is replaced, with respect to females, by the stocks, by handcuffs, and solitary confinement.

18.—In addition to Section 41, it is ordered, that, on the infliction of the stocks or handcuffs, a free person, or six Slaves, shall be present to witness the infliction of the punishments long enough to ascertain that they are not inflicted in an illegal manner, or converted into instruments of cruelty.

19.—In addition to Section 42, it is hereby further ordered, that the plantation return shall further specify the name of the person by whose authority every punishment required to be recorded was inflicted.

And that the Commandants themselves shall make oath to the correctness of their returns and deliver in the same to the Protector, or Assistant Protector, within the time specified in said Section.

20.—The 50th Section is cancelled, and, in lieu thereof, it is hereby ordered, that the limitation of twelve months for the prosecution of offences shall only extend to the offences for which penalties are provided in the 43d, 44th, 45th, 46th, and 47th Sections, and which offences are set forth in the 21st and subsequent, down to the 42d Sections, according to the original intent of the said 50th Section.

21.—The 58th Section is amended in as much as the Procureur-General was thereby authorised to decide on the sufficiency of all objections which might be made to the marriage of Slaves. And it is therefore ordered, that the Procureur-General shall in all cases grant his permission to solemnize marriages among Slaves, unless it be shewn that such permission would be injurious to the Slaves themselves.

And it is further ..ered, that all Slave marriages shall be performed gratuitously.

22.—The first Clause of the 74th Section is cancelled, and in lieu of the said Clause the following is substituted. It is hereby ordained, that slavery shall not operate as a disqualification for a witness, except in cases where his Master has an interest, and that in such cases the evidence of a Slave shall not be received either for or against the Master.

23.—The 75th Clause is cancelled, and in lieu thereof it is ordained, that the six Slaves called, in lieu of a free person, to witness punishments where such substitution is allowed by law, are permitted to give evidence as to such punishment for or against the Master.

Sir, *April* 30, 1827.

IN transmitting the Order in Council amending the Slave-law, we beg your Excellency will be pleased to submit the following observations on that subject to the consideration of Earl Bathurst:

The clauses relative to the separation of the offices of Procureur-General and Protector are adopted partly from the Demerara, and partly from the Trinidad Orders, but should it be actually in contemplation to separate these offices, we must beg to call his Lordship's serious attention to the pecuniary circumstances of the colony. The Privy Council of St. Lucia have already submitted to your Excellency their unanimous opinion on this subject, and they are well aware that their address on that occasion was graciously received by his Lordship; the difficulties then contemplated they have struggled against, and in a great measure succeeded in overcoming; but they must venture to add, that they have it not in their power to provide at present for the necessary expence attending the appointment of another officer of the rank of Protector; though, should His Majesty be pleased to allow him a home salary, they would see no objection to the appointment.

They have also, with a view of aiding the Procureur-General in the discharge of his multifarious duties, and to remedy the inconvenience which has been severely felt, of referring on every occasion to Castries, appointed an Assistant Protector, with a moderate salary, who is to establish himself in one of the windward quarters of the island, and to possess the powers, but to be subject to the controul, of the Protector; of course the very first instructions which he will receive will require him to make a detailed report of his proceedings once in each week, and oftener if required.

This officer is subject to all the disqualifications as to holding Slaves, &c. of the Protector, and they learn with much pleasure that your Excellency has been pleased to adopt their suggestion of appointing a legal person, a notary public, resident in that neighbourhood, an European, educated in Europe, who has not a single relative in the colony; this they trust will prove that the planters of St. Lucia, taken generally, feel not the least disinclination to the minutest inspection of their estates, whilst it will relieve the Commissaries Commandants, who are planters, from the discharge of an invidious duty.

The regulations respecting Sunday markets have been extracted from the Demerara Order: the objections to limiting the hour to ten o'clock, urged by the Court of Policy, are, and must continue to be for some time, of equal weight here. It seemed that there could be no alternative between doing away with the Sunday market, and limiting it to eleven o'clock, and although they are perfectly aware that it is the intention to adopt the former measure, still they have thought it due to all parties to proceed gradually, as has been done with His Majesty's full approbation in the other colonies.

The penalties have been extended to persons keeping shops or stores open beyond that hour; the reason is obvious: why should a Slave be prevented from selling his provisions, whilst a free trader is permitted to carry on his usual business?

It appears to the Council that the 22d Section of the Slave-law, relative to Sunday-work on plantations, has not been exactly understood. This Clause is principally extracted from the old laws of the colony, and is more rigorous in its enactments than the Trinidad law. It does not distinguish between emergencies habitual, or extraordinary, a distinction, in the opinion of the Council, open to much cavil, but enacts that Slaves shall never be worked on Sundays without receiving wages, nor shall they be worked even on payment of wages except on emergencies. A planter employing his Slaves on Sunday, whether by compulsion or voluntarily, must therefore prove, first, the emergency: secondly, the actual payment of wages, and so it has been explained.

Section 23.—It seems the Fête Dieu in the colonies is never observed as a festival, whilst the Fête of the Patron Saint of the parish invariably is.

Section 24.—Regulation respecting night-watch. Field labour may be, and usually is, confined to certain stated hours, but the work of the sugar-house depends upon the mill, and that, whether a wind or water-mill, necessarily depends upon the weather and season. It is with owners of plantations as with millers and some manufacturers in England. But to prove the anxiety of the Council to render their Slaves as happy and comfortable as was ever contemplated by Government, they propose that in all and every case the Slave when worked at night shall have eight hours consecutive rest in twenty-four; this is more, they believe, than is generally allowed in many manufactories, though there the work is constant, whilst the business of grinding and boiling seldom requires more than one or two days in the week, and that on emergencies only during crop.

They have not considered it possible to make any addition to their inventory of clothing to be furnished under the 27th Section. There they have not only their own interests to consult, but those of a different class of persons, the absent creditors, who already complain of the expence of the supplies; and although the independent planter may and will, no doubt, add to this list, these additions should come as a gratuity from the Owner. Nor do they think it advisable to introduce provisions into a law so strictly enforced as this has been and will be, which they know it impossible for the smaller and poorer planters to comply with. The Demerara and Trinidad regulations,* both state that the Negroes shall be clothed according to the custom of the country; but in neither is it stated what this custom is, and an allowance of clothing can only be considered ample or scanty with reference to climate.

These observations will go far to explain the Clause added to the 30th Section. As it now stands they consider half a day in this colony as equal

* See Regulations 1st October 1784 for Demerara, and Sir T. Picton's Ordinances for Trinidad, 30th of June 1800.

to double the time in the neighbouring exhausted colonies. But such is the extreme distress existing on some plantations, that many Owners have actually given up a whole additional day in every week throughout the year, rather than furnish their Slaves with the moderate allowance of a pound and a quarter of cod-fish. The Slaves naturally prefer an arrangement by which they obtain two days and a half, and three days in seven; and with this they can not only supply themselves with any kind of food, but they may purchase additional clothing; and may, if at all industrious, raise, in the course of a few years, a sum sufficient to redeem themselves. It will easily occur that the planters who grant this additional day, are the same class of persons whom the Council do not consider themselves warranted in compelling to furnish additional clothing.

The island is thus also rendered perfectly independent of a foreign market for its supplies, an object of no small consideration at this moment.

Section 37.—It was to be expected that the Slave law would excite dissatisfaction among many; the Commissioners, however, have only reported two instances in which this spirit has manifested itself, in a manner requiring repression by means of additional regulations. The additional Clause in this Section is introduced to meet the inconvenience pointed out.

The 39th Section is extracted from the Demerara Order, in conformity with the intentions of His Majesty's Government.

Section 40.—The correction of females by whipping is permitted till the age of ten, under the Master's authority; and after the 1st of November next, this punishment is not to be inflicted on adult females, either by authority of the Master or of any public Officer being a planter.

In a few years the Council fully agree that it should be abolished altogether; at present they feel this cannot be done with safety; at the same time this power surely cannot be lodged in hands more likely to exercise it with discretion than the Protector and his Assistant, viz: the Procureur du Roi and Substitute.

A rather distant period, the 1st of November, has been fixed to give Slave Owners ample time to erect cells, and to prepare their Slaves for the change.

Section 41.—With respect to the infliction of the stocks and handcuffs; Section 41 of the law of the 8th February, as well as the 42d Section, relating to the forms of plantation returns; the 50th Section, relating to the limitation of twelve months for the prosecution of offences; the 58th, relating to the marriages of Slaves; and the 74th, relating to Slaves' evidence; the amendments pointed out by his Lordship have been adopted as nearly as could be in his Lordship's own words. The obscurity in the 58th Section merely arose from a misprint.

On the whole, one suggestion alone have they considered themselves bound to reject—that, by which it is required that the property of a Slave dying intestate and without lawful heirs should revert to the Crown, to the prejudice of the Owner. A few months since, the whole of the property which now belongs to a Slave belonged by law to the Owner. This they have voluntarily and in the most ample manner given up, having declared, in unequivocal terms, that, "in all that relates to the acquirement, administration, or disposal of his private property, the Slave was, with the single exception under consideration, to be declared free." They have also allowed the Slave to redeem himself on payment of a fair consideration, having readily and voluntarily adopted the compulsory Manumission Clauses. But all these sacrifices they have made *for the Slave's benefit;* further they don't think themselves warranted in going. Having amended every thing else, it would have been most agreeable for them to yield a point which, however important in principle, can be productive of very little inconvenience in practice; but they cannot conscientiously consent to a modification and consequent sacrifice of property, with reference to which *the principle that has influenced them throughout their labours no longer applies.*

Having, at the request of the Council, submitted to your Excellency the above explanation of our views and motives, I shall, from the active part which I have taken in this matter in my own name, beg leave to add, that I

fully concur in every one of these resolutions, except that relative to Sunday markets.

It is gratifying to have to observe, that, as I am the only Member of the Privy Council who is not a Slave holder, the Slaves are indebted to their Owners, to Planters, for the manifold advantages they enjoy under the law of the 8th of February 1826, and the present Order in Council.

I have, &c.

(Signed) JOHN JEREMIE, First President,
Senior Member of Council.

His Excellency Major-General Mainwaring,
&c. &c. &c.

DEMERARA.

No. 1.

My Lord, *King's House, Demerara, 14th December* 1825.

I HAVE had the honour to receive your Lordship's despatch, of the 24th August, upon the subject of which I must request to offer your Lordship some explanation, because it appears to me, that there are circumstances relating to it, of which your Lordship is not at present aware.

In your Lordship's despatch of the 20th November 1824, is the following passage:—

"Under this head therefore, the variations between the law proposed by the Court of Policy, and that passed by His Majesty in the Council, are very considerable.

"The most important of them however, is the necessity imposed on every Slave seeking to obtain his manumission, although with the approbation of his master, to procure also the consent of the Governor and Court of Policy. This law indeed appears to have been established by an Ordinance of Lieutenant Governor Murray and the Court of Policy, passed on the 6th April 1815, and the present plan proposes only to affirm and continue this law."

"This law, however, has never received his Majesty's sanction, and, in truth, appears to be open to very grave objections: I am not aware of any other instance in which it has been distinctly propounded as a maxim and rule of law, that the owner of a Slave has not the right of effecting his emancipation.

"The Act, indeed, goes as far as to provide, that any person who, without the consent of the Court of Policy, shall effect beyond the jurisdiction of the Colony, (in England for example) the manumission of a Slave in Demerara shall become liable to a fine of 1000 guilders. I have it in command from His Majesty to inform you, that so far from adopting and re-enacting this law, it is intended to take the earliest opportunity of passing an Order in Council to abrogate and disallow it; and in the interval, before the arrival of that Order, you will observe, that the provisions of this ordinance of the Court of Policy are not to be put in execution by you, or under your authority."

After having read this carefully, and considered it maturely, I could give it no other acceptation than,

1st. That the existing mode of manumission, as prescribed by the Colonial enactment of 1815 was so objectionable, *on account of its requiring the previous consent of the Council of Policy to all manumissions*, that I was peremptorily forbidden to suffer it to be acted upon any longer.

2d. That in consequence of the above objection to the provisions of that enactment, an Order in Council would be immediately sent out for the regulation of this single point (manumission), independent of the other points of melioration then under discussion, and without waiting for their ultimate arrangement.

In this acceptation the President of the Courts of Justice, and the Crown Members of the Court of Policy, as well as the Colonial Members, entirely concurred.

In the despatch before me, your Lordship informs me, that I have misunderstood the intention of His Majesty's Government, this having been, that the law of 1815 should be suspended, and the preceding law, which that had abrogated restored in its stead.

Hereupon, with all possible deference, I will ask permission to apprise your Lordship, that the Ordinance more immediately repealed by that of 1815, as well as the previous and more remote ones, contained equally the objectionable provision, for there is no period of the history of this Colony, so far as I can discover, in which the consent of the Court of Policy, solicited by formal permission, was not made an indisputable preliminary condition to all manumissions.

The Act of 1815 had made no alteration in this provision, which it had adopted from all preceding regulations upon the same subject, and hence, the restoring and acting upon any of the latter would not have affected the evil which your Lordship had desired to remedy.

No Act could be found which did not contain the condition in question, and therefore there was no Act upon which, in the spirit of your Lordship's injunction, manumissions could for the moment proceed.

It was in this view of the case that I understood the second part of the passage of your Lordship's despatch already cited, as announcing the coming of an Order in Council, because, presuming your Lordship to have been aware of the state of the manumsssion laws of the Colony, as above described, it appeared natural to me, that your Lordship should resort to the only measure, which, under the actual circumstances, could immmediately effect the proposed object.

In this conviction it also was, that when several successive mails from England arrived, without bringing the expected Order in Council, I addressed to your Lordship my private despatch of the 15th May, (to which I request to refer) soliciting your Lordship's attention to the inconvenience resulting from its delay.

In justice to myself, I have felt it necessary to offer to your Lordship this explanation, from which I trust it will be evident, that, in the course pursued, there was no alternative before me.

Meanwhile, no real wrong or prejudice, beyond that of a short delay, will have been done to those Negroes whose owners have, in the interim, petitioned for manumission (these have been but few), because they were respectively acquainted at the time that notice would be duly given them to apply again, when they would receive their manumissions with the advantage of getting them free of expence.

Notice has accordingly been given, and upon the 1st day of the next month, these manumissions will, under the provisions of the new Slave Code, be issued, without expence to parties.

I have, &c.

(Signed) B. D'URBAN.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 2.

My Lord, *King's House, Demerara, 24th January* 1826.

IT having appeared that the 15th clause of the Slave Melioration Code of the 7th September last, would be defective without a *form* being prescribed for the keeping Punishment Record Books (an omission which had unavoidably happened), a supplementary clause to remedy this defect was passed at the last sitting of the Court of Policy, of which I have the honour to enclose a copy, hoping that your Lordship may approve it, and that His Majesty may be graciously pleased to sanction it.

I have, &c.

(Signed) B. D'URBAN.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

Form of Punishment Record Book.

Publication.—By His Excellency Major General Sir Benjamin D'Urban, Knight, Commander of the most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, Lieutenant Governor in and over the Colony and Dependant Districts of Demerara and Essequebo, Commander-in-Chief, &c. &c. ad the Honourable the Court of Policy of the said Colony.

To all to whom these Presents shall come, greeting, be it known.

WHEREAS by a certain ordinance made and passed on the 7th day of September now last past, and published on the 20th day of October following,

it is ordered and declared that there shall be kept by every person having charge of a task or working gang of Slaves, exceeding six in number, and upon every estate throughout the Colony a Book, to be called a Punishment Record Book, as in and by the 15th section will, on reference being thereto had, more fully and at large appear;

And whereas it is expedient that the said Punishment Record Book should be made and kept in a certain general and established form;

Be it, and it is hereby ordered, that every owner, proprietor, manager, or other person, who, according to the 15th section of the said recited, is ordered and enjoined to keep a book, to be called a Punishment Record Book, shall and is hereby directed to keep the same according to the form more particularly set forth in the schedule hereunto annexed.

Punishment Record Book of belonging to situate in and having a number of Slaves.

Date of Entry.	Name of Slave.	Nature of offence.	Time and Place of Punishment.	By whose Authority.	By whom inflicted.	Witnesses.	Nature and Extent of Punishment, if a Female.	Extent of Punishment, if a Male.

And that no ignorance may be pretended of what is hereinbefore directed and required, these presents shall be published for general information as customary.

Thus done in our Ordinary Assembly, held at the Court House, George Town, Demerara, the third day of November 1825, and published on the 19th following.

(Signed) B. D'URBAN.

By command of the Court,
(Signed) CHARLES WILDAY, Deputy Secretary.

No. 3.

My Lord, *King's House, Demerara, 25th April 1826.*

A SHORT time ago several of the most respectable landed proprietors of this Colony waited upon me for the purpose of requesting permission to hold a meeting of the Colonists, with the object of drawing up a humble Petition to His Majesty, a copy of which they then submitted for my perusal.

Aware, as I am, of His Majesty's most gracious will that the Petitions of his faithful Colonial subjects should receive every due facility from his Governors, to reach the foot of the throne, and perceiving nothing improper in the manner of the Petition, while the matter of it was unquestionably of the deepest interest to those desiring to petition, I told these gentlemen, that upon its being returned to me, signed by such a number of the most considerable proprietors as might give it the weight of emanating from the best sources of the Colony, I would not fail to transmit it to your Lordship.

At the same time I suggested, for reasons which I was sure would be obvious to them, the prudence of not holding at this moment a public meeting for the purpose of proposing and discussing this measure, but that they should send the Petition in succession to the persons most proper to sign it.

They readily and immediately agreed with me in the expediency of taking this course, and have now returned the Petition to me signed accordingly.

I have the honour to transmit it to your Lordship; and your Lordship will perceive, by the extent of population of the respective estates, of which many of these gentlemen are proprietors or representatives, the immense interests which are entrusted to their care and keeping.

I have, &c.

(Signed) B. DURBAN.

The Right Hon. the Earl Bathurst, K.B.
&c. &c. &c.

To the King's Most Excellent Majesty.

The humble Petition of the Colonists of the United Colony of Demerara and Essequebo.

MOST GRACIOUS SOVEREIGN,

WE, your Majesty's dutiful and loyal subjects, the Colonists of Demerara and Essequebo, entreat permission to approach your Majesty with this our humble Petition.

As British subjects, devotedly attached to your Royal Person and Government, we implore your Majesty's gracious protection from the dangers which threaten our lives and properties, and we have the firmest reliance on your Majesty's wisdom and paternal goodness, extending towards us at this crisis, that much required protection, without which we feel, that ere long, the inhabitants of this valuable Colony and your Majesty's West India possessions generally, will be plunged into an abyss of irretrievable ruin and misery.

From the nature of certain notices, recently given, of motions to be made in the Commons House of Parliament, deeply affecting our interests, we feel the greatest apprehension and alarm; and it is now apparent, notwithstanding the measures recently adopted, and the improvements which have taken place in the condition of our labouring population during a series of years, and which are still in progress, that no prudent system of amelioration will satisfy those who seem bent on schemes, which, if enforced, must inevitably lead to the destruction of our properties, endanger our lives, and eventually cause the loss to your Majesty of these valuable Colonies.

We, your Majesty's dutiful and loyal subjects, are kept in a constant state of agitation and alarm, by reason of the calumnies and insidious means to which our enemies have resorted, for the purpose of raising a popular clamour, and prejudicing the minds of our fellow subjects in the Mother Country against us.

In such a state of things, we have no alternative but an appeal to your Majesty's sovereign authority, which, we confidently trust, will not be made in vain.

We, therefore, Most Gracious Sovereign, humbly pray, that it may please your Majesty to afford us an opportunity of being heard by counsel, and of producing evidence to your Majesty's Government, to shew the real state of a case hitherto very imperfectly understood, and much misrepresented in the Mother Country, and the effects which such measures, as are now avowedly intended to be urged in Parliament, will have on the rights of the Colonial proprietors, and on the well-being of the labouring classes themselves. And we further humbly entreat, that no further measures, in any manner relating to this momentous question may receive your Majesty's sanction, until we have had such opportunity, as your Majesty may be graciously pleased to afford us, of being heard before your Majesty and the Right Honourable Privy Council, on the merits of a case, involving, as your Majesty's petitioners humbly conceive, not only their vital interests, but also those of the Empire at large.

And your Majesty's humble petitioners, your Majesty's dutiful and loyal subjects, the Colonists of Demerara and Essequebo, as in duty bound, will ever pray.

No. 4.

Extract from a Letter from Earl Bathurst to Sir Benjamin D'Urban, dated 12th of May 1826.

"As the necessary reform must therefore be unavoidably postponed to a future period, it will be expedient to adopt some immediate, but temporary, measure to amend the rules of proceeding, in criminal cases, against persons prosecuted under the recent Act of the Court of Policy for improving the condition of Slaves. On referring to that Act, you will perceive that no express provision is made, as to the form in which persons accused of cruelty to Slaves are to be prosecuted. All fines and forfeitures are to be recovered before the Court of justice, 'in the usual and ordinary manner, as in the case of other fiscal actions.'

The disposition already manifested by the Court of Policy, with so much credit to themselves, to improve the condition of the Slave population of the Colony, authorises me to rely with confidence on their cordial co-operation, in every measure necessary for giving full effect to the ordinance which you have recently passed, with their advice and assent. You will therefore take the earliest opportunity of bringing under their consideration, such measures, as may in your judgment be best adapted to abridge and simplify the forms of criminal procedure under the Slave Melioration Act. The Court of course would not enter upon the question of reform of the administration of the criminal law in general. The amendments which will hereafter be introduced, with the assistance of the Commissioners of Legal Inquiry, may incorporate such useful alterations, as the Court of Policy may make in reference to the subject of criminal proceedings in this particular case."

No. 5.

My Lord, *King's House, Demerara, 10th August 1826.*

IN a postscript to my despatch of the 2d July (dated 4th July), I shortly informed your Lordship of what had taken place in the Court of Policy of the 3d July, upon the consideration of your Lordship's despatch, No. 43, of the 25th of February, respecting the Slave Melioration Act, and submitted my reasons for having adjourned the farther consideration of it to the Court's ordinary Session in the end of the month.

No. 1. Enclosed is an extract minute detailing the proceedings of that day.

Upon the 31st of July the Court met, pursuant to adjournment, and proceeded to the final consideration of your Lordship's despatch. The enclosures Nos. 2 and 3, are the minutes of its proceedings on the 31st July and 2d instant respectively, together with the result of them.

By these minutes your Lordship will perceive, that the colonial members were willing to adopt your Lordship's suggested amendment of the clause for "instituting suits in behalf of Slaves;" but that with respect to those relating to "Sunday labour," "Slave property in land," and "manumissions invito domino," they have adhered to their former conclusions, as communicated to your Lordship in my despatch of the 15th of September last.

As the proposed amendment has only been adopted in one clause (and that, perhaps, the least important of them), and especially as the desired principle of manumissions has not been received, I have not judged it expedient to promulgate here any supplementary enactment for the sole purpose of altering the 27th clause of the existing Act, considering it better that, whatever alterations in these clauses may ultimately be resolved on by His Majesty's Government, should all take place at once.

With reference to your Lordships despatch, of the 17th of March, and to my despatch in reply, of the 11th of May, I have written to Lieutenant-Governor Beard, informing him that no alteration has been made by the Court of Policy in the Demerara Slave Act of September 1825, and trans-

mitting him a copy of it, in order that his Excellency may thereupon take such measures, in regard to Berbice, as he may judge expedient.

I have, &c.

(Signed) D'URBAN.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

No. 1.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequebo, at its Extraordinary Assembly, held at the Colony House.

George Town, Demerara, Monday, 3d July 1826.

(After Prayers.)

HIS Excellency then called the attention of the Court to the business for which the Court had this day been especially convened, and thereupon directed the Secretary to read the despatch from Earl Bathurst, dated Downing Street, 25th February 1826, for the further information of the Court in the first instance.

The thanks of the Court having been returned to his Excellency for the foregoing communication, the secretary proceeded to read the despatch.

(Fiat insertio.)

Which having been read accordingly, the member Van Berckel rose, and stated that as Earl Bathurst strongly urged the Court to alter some parts of the Slave Code as it now stands, and even condescended to suggest some modifications under which the provisions, insisted on by his Lordship, might in his opinion be adopted, it is the duty of this Court to give the subject the most serious consideration, with a view, if it can conscientiously be done, to alter the opinion hitherto expressed by the Court in its former resolutions, by the adoption of some modifications in such a manner as to meet the views of His Majesty's Government, expressed in Earl Bathurst's despatch of the 25th February 1826.

That it appears to him that the importance of the subject does not allow a hasty decision, but, on the contrary, that the respect due to His Majesty's Government renders it imperative on every member of this Court sedately to consider the suggestions made by Earl Bathurst, and to apply their best abilities to the end of forming a cool and deliberate judgment, consistently with an honest discharge of their duty.

For this purpose he begged leave to propose, that the time for the next ordinary meeting of the Court not being far distant, the members might be allowed to employ the interval in reconsidering the whole subject still before them, so as to enable the Court at the next meeting to come to a final conclusion.

His Honour Mr. President Wray expressed his regret that the present opportunity of discussing this important measure should be postponed, especially as it was not improbable but that he should have left the Colony before the proposed time of entering further into the question should arrive, and as he had given this subject much consideration, he wished to express his sentiments on the present occasion, whereupon his Excellency and the Court having stated their readiness and wish to be in possession of his Honour's views,

His Honour the President stated that he had given much attention to the last despatch of Lord Bathurst, and had also reconsidered the proceedings of the Court of Policy, from the commencement of the discussion on this important question up to the present period. He had found, throughout, the greatest readiness on the part of the Court to comply with the wishes of His Majesty's Government, and on the part of Government a manifest disposition to prefer the adoption of the suggestions by the Court of Policy, to the mode of issuing an Order in Council as had been done in Trinidad.

The Court of Policy had also conceived, and justly so, that any law would have a better effect on the Slave population if it were enacted by the local Government, than if it were sent from England.

It was clear that if the clause of manumission, now proposed, was not passed here, it certainly would be, and that immediately, at home.

If the Court still continued to consider the manumission clause as one which

would be injurious to the interest of the Colonists, he, nevertheless, thought it most prudent to admit it, with such checks and modifications as the Court's experience would suggest, and that the Colonial members would be best discharging their duty to their constituents, even when acting against their own opinions, by adopting its principles, but qualifying as far as possible those points which they conceived to be dangerous to their property.

This Court had, it was true, twice rejected it, but the present question was, whether the proposal now made was so much the same as the former one, that the Court could not adopt it without gross inconsistency. His honour thought the proposition very materially changed. Two principles were now fully admitted, the extent of which might hitherto have been thought doubtful, and which had a tendency to obviate many of the former objections of the Court.

The most material difficulty had always been, that the removal of an intelligent active Negro from an estate injures it to a greater degree than can be compensated by the value of the individual Slave. The Trinidad Code provided no remedy for this, and it was the clause of that Code which the Court had not thought it right to adopt.

If the evil anticipated could be avoided, or its danger mitigated, it would be consistent with the former conduct of the Court: safe, but at any rate, in his Honour's opinion, certainly prudent to adopt the measure.

The principle of valuation now proposed, was not merely to put a value on the Slave to be manumitted, but, taking the fullest and comprehensive view of the effect caused by the manumission, to make compensation to the owner, for any deterioration of his property caused thereby, or, in Lord Bathurst's words, to make "a fair estimate of the loss which the owner may sustain by the act of manumission." This was in effect not to value the Slave but the owner's loss, and this to be ascertained by such tribunal as the Court might think desirable.

The second admitted principle was equally important, and openly expressed in Lord Bathurst's former despatch of 9th July 1825, that manumission should be the "result and reward of habitual industry;" and in the present despatch. that it should confer on the Slave "a right to purchase his freedom by the fruits of his honest earnings."

To keep this principle in operation, his Honour would propose, that an investigation as to the manner in which the property of the Slave was acquired should be gone into before the same tribunal which he had before mentioned.

The Slave's fairest claim to manumission would rest on reasonable proof, or presumption from general habits and conduct, that the money produced by him was the savings of his honest labour; but the possession of sufficient property obtained by inheritance, accompanied by proof of habitual industry and good conduct, should also entitle him to the same indulgence.

His Honour thought that the existence of this habit and good conduct should be shewn before the same tribunal that inquired into the manner the property was obtained, and which estimated the master's loss.

In a population of more than 70,000 Slaves the Protector could not be supposed to be acquainted with individual character; and indeed it was highly probable that the quiet, well-disposed, most deserving Slave, would be the least likely ever to have been brought to his notice.

His Honour proposed to exclude from this cumpulsory clause all money lent, given, or raised by public subscription, and he thought that would not be adverse to the two leading principles of Lord Bathurst's despatches; indeed, with regard to subscription, his Lordship says "measures could easily be taken to defeat such a plan, if indeed provisions might not be introduced in the law itself to prevent it." One very obvious and important result must be obtained, that of bringing any future alterations, which the Government might consider advisable, to the consideration of the Court of Policy before they were adopted, giving the local Government an opportunity of modifying and in some instances (as had already occurred) of shewing His Majesty's Government that the propositions made were inexpedient. On the contrary if the additional clause were passed by Order in Council at home, there could be but little doubt that such would be the course hereafter pursued.

Should however, the Court come to the determination, which his Honour hoped it would, to admit under the precautions he had mentioned, the prin-

ciple of manumission contrary to the will of the owner, he nevertheless thought that the Trinidad Code, which allowed a member of a family to purchase himself apart from the rest, had a direct tendency to subvert those moral and religious feelings which it was the object of the law to promote as the ground-work of civilization and freedom.

It had been stated to him, not to be impossible, that young females would be purchased from the several plantations, and particularly from those near George Town; and he could not perceive any thing in the Trinidad regulations which could prevent this, if the purchaser and the girl agreed on the subject, and the children (in addition to the immorality of the connection) produced thereby, would be left to the probability of poverty by the sickness, absence, or death of the father, in which event, they must look for support from the casual charity of the public.

But the most material objection he had to the separate purchase, was, that it must in numerous instances discontinue the ties arising from matrimonial engagements, and consequently have the general effect of making the Slave population regardless of the sacred obligation of matrimony.

Under the Trinidad Law, the father of a family of young children could buy himself.

As a free man there was no law to compel his living with his wife, and no law called upon him to support his wife or children, the Slaves of another person. Could any law compel the master to give his late Slave, purchased against his consent, and now free, the right to live upon his property, or to come to it at all? So long as the freed man continued to work (if at all) as a hired servant, no evil might arise; but the law clearly left it in the power of either the master or of the Slave who purchased himself, in such a case, substantially to dissolve the marriage contract.

The consequence of this he need not observe, would be to a certainty, adultery by both parties.

If a wife were to purchase her freedom, leaving her husband in Slavery, the same consequences would arise, commencing, however, with a total destruction of the control of the husband over the wife.

It therefore appeared to his Honour, that to prevent these evils, and to support these clauses relative to the marriage of Slaves, it was necessary that the Slave, who wished to purchase himself, should be compelled, under certain restrictions, to purchase also his family.

And it was obvious, that if the purchase by families were required from those only who were married, it might operate as a discouragement to matrimony. His Honour thought that it should be extended to reputed husbands, wives, and children in the same manner as execution sales by the Marshal. He therefore wished to express his opinion of the expediency of adopting the manumission clause subject to the restrictions he had mentioned, and the provisions he should propose were,

First, That Slaves should be allowed to purchase themselves, (if members of a family) only with the families, limiting this to husbands and wives and their children up to an age to be hereafter determined, and not separated from them by having formed other connexions.

Secondly, That the labour of the father, mother, or children should have produced the purchase-money.

Thirdly, That the money price, whether of a single Slave or of a family, should be ascertained, not by the value of the Slave or family, but by the loss the owner would sustain by the sale.

Fourthly, An express negative on the application to the purpose of manumission against the consent of the owner, of any funds which might be obtained by gift, loan, or subscription, either private or public; one exception only to be made in favour of property acquired by inheritance or legacy, and even then to be so applied in these cases, only when it was accompanied with proof of habitual industry and good conduct.

Fifthly, That all the facts, which might be important, contained in the former suggestions should be ascertained by a tribunal constituted, as nearly as it could be, to prevent any supposition of prejudice or partiality, and likely at the same time from its practical knowledge to come to a just conclusion.

His Honour having concluded the foregoing observations, and the propositions

which he made, and the changes which he suggested in the Trinidad Code being considered very material, the Court requested his Honour would allow his remarks to be placed upon the minutes, and that the secretary should be directed to send an extract from this day's proceedings to each member.

His Honour having assented to the proposal of the Court, and in order that full time might be allowed them to consider this important subject in a point of view not before taken of it, the Colonial Members requested his Excellency the Lieutenant Governor to adjourn the Court until the next ordinary session in the present month. His Excellency having agreed to this,

The Court was then adjourned till the ordinary session accordingly.

No. 2.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequebo, at its Ordinary Assembly, held at the Colony House.

George Town, Demerara, Monday, the 31st of July 1826.

(After Prayers.)

THE Court proceeded with the consideration of Earl Bathurst's despatch, dated Downing-street, 25th of February 1826, commencing *seriatim* with the three subjects pointed out by his Lordship; viz.—1st, Sunday labour; 2d, The right of Slaves to hold land, including the subject of actions by the Protector of Slaves; and 3d, Manumission.

1st. The Court, after giving every due consideration to the observations contained in the despatch of Earl Bathurst, on the subject of labour performed on Sunday in potting sugar and drying coffee and cotton, regrets that in a point of such apparently minor import, it is reluctantly compelled to reiterate its objections to accede to the wishes of His Majesty's Government. But the members of the Court taking a practical view of the question, consider the labour thus performed so completely analogous in its principle to that performed by domestics, watchmen, persons employed in tending cattle, &c., that they are unable to see on what just grounds payment should be made to the one class and withheld from the other; indeed the strongest claim for remuneration would appear to lay in favour of domestics, watchmen, &c., because, though in every case the labour is very light, yet the whole time of these classes is in some degree occupied on every Sunday throughout the year, whereas only a small portion of the others is taken up, and this, too, for the half, or a fourth, or even a less number of Sundays in the year; that the Slaves themselves would take a similar view of the subject, the Court feels fully convinced, and therefore entertains well founded apprehensions that a feeling of great dissatisfaction and discontent would naturally be raised in the minds of a valuable portion of the Slave population, if they saw that the minor necessary Sunday occupations were remunerated, and they themselves who gave up the whole day, must go unrewarded. For it is in vain to hope that they will enter into the nice distinctions which may be very clear and apparent to minds of a higher order.

It is on this ground, and not with the object of saving a trifling expense to the planter, that the Court continues to hold its unshaken opinion of the inexpediency of altering the Law as it now stands on this point.

It can scarcely be necessary to point out the propriety of these species of Sunday occupations being equally with that of domestics, watchmen, &c. compulsory, for if it depended on the will of the Slaves, it is possible that the produce of the whole labour of the preceding day, or even of half the preceding week, might be irretrievably injured by their refusal to perform the slight but necessary operation which its preservation required; nor can it be questioned that the Slave has an interest along with his master in preserving the crop that has been so far prepared; for on the crop depends the entire means of the planter to furnish his Slaves with food, clothing, medical attendance, lodging, and all the various comforts that he supplies them with. And out of it he must support not only the labourers who assist in the production, but also the infant, the invalid, and the infirm, who form the most numerous class of the population of an estate. Let it be borne in mind, too, that these are works, not

of choice, but of necessity, and if it is left optional with the Slaves to perform works of that description in one case, they may conceive it to be optional in all, and thus they might refuse their assistance in stopping a breach in the dam, or a conflagration, or in preventing the damages likely to arise from such like casualties.

With regard to the labour of picking coffee and cotton on Sundays, which is performed for wages, the Court sees no objection to having it clearly expressed, that this is only allowable when voluntary on the part of the Slaves. This has been the unvarying practice of the Colony, and the principle is unobjectionable as applied to labour of this description.

2d, The next subject adverted to in Earl Bathurst's letter relates to the property of Slaves, and first to the right of holding property in land.

The Court of Policy allows that a consideration of the disadvantages the Slaves themselves might labour under as proprietors of land, had considerable influence on its decision on this point. But there were other very weighty causes of objection to their being permitted to hold landed property.

The liability to imprisonment for taxes and other charges, which a proprietorship in land may render them subject to, is far from a slight or inconsiderable objection, nor is it easily to be obviated.

It is true that the property on the land, and the land itself, are, by the existing Laws of the Colony, liable in the first place, and must be exhausted before the person can be seized, and yet it is matter of every day's experience, among the lower classes of the free coloured people who have acquired lands and tenements (nor is it to be wondered at where land is of so little value), that the whole property being consumed in the expenses attending a suit and levy for debts and taxes, the debt, or part of it, remains unsatisfied, and their persons consequently liable to imprisonment.

That apprehension seldom follows with this class of people is equally true—and why? The expense of maintaining them whilst under confinement would devolve on the creditor, who would thus only incur further loss, without even the hope of future compensation.

That the like forbearance would not be observed to a Slave under similar circumstances may be fairly presumed, because there would be a well grounded expectation that the master of the Slave would pay the debt in order to recover his services, and thus the master would in point of fact become liable for the debts of his Slave. Again, the rights which a proprietor of land holds in and over his property, appear to the Court incompatible with the state of Slavery, and inconsistent with that due subordination and discipline which the well-being of both Master and Slave, and the safety of the Colony require. Suppose a Slave has become legal proprietor of a piece of land, he has built a house upon it, he goes into his house and shuts himself up, refusing to return to his employment on his master's estate—by what means is the master to get him back to his duty? Can he invade his property, in contravention of the rights which have been thus given him? And will he not be compelled to have recourse to a tedious and expensive process of Law in order to reach him? Or, is it to be considered that the Slave, in becoming the purchaser of landed property, takes it subject to all the rights which the master holds over his person.

It may be argued that the same difficulty exists where a runaway Slave is sheltered in the house of a freeman, but we answer that the Laws of the Colony make the harbouring of runaway Slaves punishable by fine or imprisonment. But how is this to apply to a Slave who shelters himself on his own property—or how is he to be dealt with for harbouring other runaway Slaves upon it? The questions and difficulties that would arise out of this measure are innumerable and perplexing, and, in the opinion of the Court, in many cases insurmountable.

The multiplying of small proprietorships in and about town, has been adverted to by the Court on a former occasion as a growing evil, from which much irregularity and crime had taken their rise, and it is to be apprehended that the rapid increase of the lower class of free population from manumission and otherwise, will render that description of tenement an object of great anxiety to the police, if not to the Government of the Colony, and to permit Slaves to hold such property would be to increase the growing evil and danger to an alarming degree.

The Court, therefore, on the ground of its being no advantage to the well-disposed Slave, and likely to lead to much inconvenience, disorder, insubordination, and crime on the part of the designing and ill-disposed, is still of opinion that the right to hold property in land ought not to be granted to the Slave.

With respect to the institution of actions in behalf of the Slave by the Protector, the Court having referred to the existing Ordinance, and after full consideration and discussion of the alteration proposed by Earl Bathurst, agreed to adopt the same.

And it was resolved, that the clauses of the 27th section of the existing Ordinance "for the religious instruction of Slaves in His Majesty's Colony of Demerara and Essequebo, and for the improvement of their condition," enacted the 7th September 1825, and published the 20th October following, shall now be altered and stand thus:

"27. And whereas, by the usage of this Colony, persons in a state of Slavery have hitherto been permitted to acquire, hold, and enjoy property free from controul; and it is expedient that the said custom should be recognized, and, as far as need be, established by Law; and that provision should be made for enabling Slaves to invest such their property on good security: be it therefore and it is hereby ordered and declared, that no person in this Colony, being in a state of Slavery, shall be deemed, or be taken to be, by or on account of such his condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property; but every such Slave shall be, and is hereby declared competent to purchase, acquire, possess, hold, enjoy, alienate or dispose of money, cattle, implements or utensils of husbandry or household furniture, or other effects of such like nature, by him, her, or them honestly and lawfully acquired or held, *save and except fire-arms and ammunition, as is forbidden by the 22d clause of the existing Law, and such Colonial produce as is prohibited to be sold or bartered by the 11th article of the same Law.*

"And it shall be in the power of the owner, or legal posssessor of any Slave, or of the Protector of Slaves, and he is hereby authorized to bring, maintain, prosecute, and defend, on behalf of every such Slave, any suit or action in any Court of Justice in the said Colony, for or in respect of any such property, as fully and amply, to all intents and purposes, as could be done by a person of free condition in respect of his own property; and the Protector of Slaves may, if he see fit, apply to his Honour the President of the Court of Justice for an Order on all public officers to act without charge in like manner as in suits instituted *pro Deo.* Provided always, that it shall not be lawful for any Slave to hold or keep upon the land of his owner, or that of any proprietor, any stock or animals, unless with the consent of such owner or proprietor; and in case any Slave or Slaves having such stock, and being warned to remove such stock or animals, should refuse or neglect to remove the same, it shall be lawful for the owner or other person having charge of such plantation or estate, to destroy the same, or cause it to be done by others."

The Court declaring to abrogate and repeal the remaining part of the said section or article 27, commencing with the words "and if any white," and ending with the words "at the discretion of the Court," agreeably with draft now inserted in this day's minutes.

3°. The foregoing points having been disposed of, the Court then entered upon the consideration of the remaining clause relative to manumission. Whereupon the honourable Member, F. P. Van Berckel, rose and read the following statement:

Compulsory Manumission.

Before I enter on the momentous subject which now occupies the attention of the Court, I deem it necessary distinctly to state that I have not had the least communication of any kind with any one member of this Court on the subject of this most important clause. I feel myself called upon to say so on account of the new turn which Mr. President Wray's proposition, entered on the Minutes 3d July last, is intended to give to the subject, and which is so widely different from that unanimity which has hitherto marked all the deliberations of this Court on the subject of the Slave Code, under which circumstance I think that every member is called upon to give distinctly his own

vote in a conscientious manner without any bias from the suggestions of any one tending to prejudge the question. I have been the more induced to abstain from all communication with my colleagues, because, should any demerit be attached to any part of my observations, I wish the responsibility to rest solely with myself, without involving others in any share of it, for having, perhaps too confidently, listened to what in the exercise of my judgment I consider as the fair way to come to an honest opinion. I deem it most conducive to a calm inquiry at the outset to set at rest an observation made by his Honour in the introductory part of his proposition, prescribing the line of conduct which, as he thinks, the Court generally, and the Colonial Members more particularly, ought to follow. *If*, says he, *the Court still continues to consider the manumission clause as one which would be injurious to the interest of the Colonists, he nevertheless thought it most prudent to adopt it, with such checks and modifications as the Court's experience would suggest.* It is not for me to anticipate in what manner the Court will be able to exercise its prudence in giving its sanction to a principle or measure which it considers injurious to the interests of the Colonists. I am better able to judge of the propriety of following the admonition given by his Honour to the Colonial Members when he tells them *that they will be best discharging their duty to their constituents, even when acting against their own opinions, by adopting the principles of the compulsory manumission clause, but qualifying, as far as possible, those points which they conceive to be dangerous to their property.* The selection thus made of Colonial Members, in contra-distinction to Official Members, has an invidious appearance, as those who cannot be minutely acquainted with the facts might thence conclude that the rejection of the Compulsory Manumission clause has been chiefly, if not solely, owing to the opposition made by the Colonial Members against the opinions of the Official Members, whilst the truth is, that this clause has been twice rejected by the unanimous vote of all the Members, and what is more, that the Resolution of the 6th September 1825 was entirely framed by Mr. President Wray, in whose hand-writing the draft of it was, handed to Mr. Secretary Wilday, and by him copied in the minutes.

I will not dwell on the singular attempt of one member of the court dictating to the others in what manner they should give their votes, even before the matter is well understood, and before it has undergone any discussion ; but I am free to say that I cannot reconcile to any fair principle, the advice given to the Colonial Members to adopt any principle, *even if by so doing they acted against their own opinions.* I, for one, declare, that acting under the obligation of an oath, *faithfully to perform to the best of my knowledge the duty of a member of this court for the interest of the colony,* I know no other way of discharging that duty here than by giving my honest opinion according to the dictates of my conscience.

With this principle before me, I have given to the suggestions contained in Lord Bathurst's last despatch all the consideration which the subject demands, as far as my abilities allowed it, and I have fully re-considered every thing that has hitherto been done by this court in this matter, and after closely examining the principle on which the former resolutions of the court have been framed, I must own that I have not been able to arrive at the conclusion on which his honor now grounds the total change of his former opinion, viz ; *that the proposition relating to compulsory manumission, was now very materially changed by the full admission of two principles, the full extent of which might hitherto have been thought doubtful.* Let us see upon what principle the court has hitherto rejected this manumission clause, and afterwards examine the two principles, which in his honor's opinion have so materially changed the case as to set at rest the scruples formerly held by the court.

I beg the court to turn to the note added to the 30th section of the Slave code, and it will there be seen that the court has explicitly given as to its reasons for not adopting this compulsory manumission clause, *that it felt it to be beyond its power, without the breach of a sacred trust, which binds its members to protect the rights and interests of their fellow colonists to give their sanction to any measure, which could, even by construction, imply an acknowledged right on the part of the Slave to demand his freedom* invito domino. *That they felt themselves called upon openly to avow this principle, that they have not the right to invade the property of their fellow colonists, by*

admitting that they can in any manner be deprived of it contrary to the law by which it is secured to them, and which His Majesty has graciously been pleased to guarantee by the articles of capitulation, on which this colony surrendered to His Majesty's Arms.

This is the language held by the court on the 2nd March, 1825, and on the same day the colonial members in a separate address, *expressed their humble hopes that the reasons given for narrowing the provisions on the subject of manumission being of a truly conscientious nature, would receive His Majesty's gracious consideration.* Nothing, I am sure can be more intelligible than this plain language. It clearly lays down the principle that the court cannot, without a violation of duty, adopt measures destructive of the rights of property as secured by law, and it is on this principle that the manumission clause has been rejected by the court.

When Lord Bathurst's dispatch of the 9th of July, 1825, was laid before the court, it was found that his Lordship again pressed the Court for the adoption of the manumission clause, and he suggested certain conditions and provisions, with which he considered that the principle might safely be adopted. What did the Court then do? On the 6th September, 1825, the Court came to the following resolution. *That the Court does not consider it respectful to His Majesty's Government to enter into a discussion of the observations adduced in Earl Bathurst's despatch on this point; it must, however, with all deference observe that it cannot feel that the principles on which its original objections are founded, and the grounds on which it has pointed out the enormous mischief which must result from the measure proposed, have been in the slightest degree shaken by these observations, and, therefore, anxious as it really is to meet, in the fullest extent, the wishes of His Majesty's Government, it cannot conscientiously proceed further than it has already done on such entire conviction, and is therefore most unwillingly compelled to decline adopting the recommendations proposed.*

This resolution, which is entirely from the pen of Mr. President Wray, expresses, in strong terms, the Court's entire conviction, that it could not conscientiously proceed further than it had already done. It confirms, of course, the principle on which the Court had before rejected the compulsory manumission clause, viz: *its sacred regard for the rights of property.*

This being the high ground on which the Court has hitherto stood, the question now is, whether the limitations and modifications proposed by Earl Bathurst, in his despatch of 25th February 1826, are of such a nature, that by tacking them to the principle of the compulsory manumission clause, that principle can safely be adopted by this Court, without a dereliction of duty, and without violating those rights, for the protection of which it has hitherto stood up? If so, the apprehension of inconsistency with former resolutions need be no bar against adopting the clause, for if the danger which was apprehended is effectually removed, further resistance would become mere obstinacy. But on another hand, if the guarantees proposed are not sufficient for the security of the rights of property, I am sure that the same conscientious motive, from which the Court has hitherto rejected it, must continue to have the same effect now.

The two grand principles which Mr. President Wray states to have now fully been admitted, and which in his opinion seem to remove all difficulties, are,

1st. That the principle of valuation now proposed was not merely to put a value on the Slave to be manumitted, but, taking the fullest and most comprehensive view of the effect caused by the manumission, to make compensation to the owner for any deterioration caused thereby, or in Lord Bathurst's words, "to make a fair estimate of the loss which the owner may sustain by the act of manumission," and this to be ascertained by such tribunal as the Court might think desirable.

2nd. That manumission should be the result and reward of habitual industry, and that it should confer a right to purchase his freedom by the fruits of his honest earnings.

First, of compensation. If a fair estimate *could* be made of the loss which an owner may in the fullest extent sustain, as often as he is deprived of one or more of his effective Slaves, there might be little difficulty in the case, but I

hold it to be utterly impossible, in individual cases, to fix with certainty, a fair compensation.

The nature of West India properties is so widely different from that of all others, that reasoning by analogy must lead to the greatest errors; it is necessary, therefore, to enter in some details.

The Court, in its observations of the 2d March 1825, has calculated, and I believe fairly, that the average number of able effective people upon an estate, is about one third of the whole gang, the remaining two-thirds being composed of infants, who are a burthen to the owner, and of the aged, whom he must support. Let us now suppose an estate with 150 Slaves, out of which 50 are those by whose labour the estate is cultivated. The quantity of land in cultivation, is necessarily calculated upon the number of labourers, and the quantity of produce made, is of course, in the same ratio. Suppose, that in the first year he is forced to lose three or four of these effective Slaves, which cannot be replaced by others, this loss is immediately felt in a reduction of the quantity of produce made; and suppose, that in the next year he is again deprived of three or four Slaves, which from the nature of things more than doubles the loss of the first year, and there being no limit to the number of Slaves who may claim their freedom, the number of working Slaves may gradually be so reduced, that a great part of the cultivation being from necessity abandoned, the produce which can be raised be not sufficient for defraying the expences of the estate, when the only resource left would be to break up the estate by selling the Slaves, the lands and buildings being then no more of any use to the owner, and of course a total loss to him; now, I would ask how is it possible at the time of the first Slaves obtaining their freedom, and at every subsequent manumission, to make a fair estimate of the subsequent and final losses, to be brought on the owner in consequence of these periodical manumissions, and by what scale can what Mr. President Wray calls the fullest and most comprehensive view of the effects to be caused by these manumissions be calculated? And how is it possible beforehand to fix a sure compensation for all future deterioration, the ultimate result of which is finally to be the necessary abandonment of the estate, and the total ruin of the owner?

I think it unnecessary at this time to say any thing about free labour to be expected from manumitted Slaves. Major Moody's second Report has put that question at rest, and experience in Trinidad at this day, proves it to be altogether a delusion, although the expectation of that free labour continues to be one of the items which is to be brought in the scale of compensation. I call upon every one who hears me, whether they have ever known in this Colony, a manumitted Slave or a free-born black man, being employed for wages in agricultural labour.

In the foregoing case I have supposed that the estate was unincumbered with any mortgage; but how must this compulsory manumission operate upon a mortgaged property? What must become of the claims of the mortgagee, who has lent his money upon the full reliance that the law did secure both himself and the mortgager in the full effects of the stipulations of the mortgage contract. The mortgagee holds a lien on the Slaves, as well as every other part of the property. Indeed, in the case of a mortgagee, the Slaves are in law real property. If Slaves are at liberty, at their will, to separate themselves from the property, and to leave their master, on the production of a certain sum of money, how can he expect ever to redeem his debt, when deprived of the means to exert his industry? If the money raised by the Slave for his freedom, goes in the hands of the mortgagee, it is an injustice to the debtor, because it is no part of his contract with the mortgagee; if it is given to the owner of the Slave, it is still a greater injustice to the mortgagee; or if it should be deposited in some public chest, it is an injustice to both parties; and the end of the whole must be, that the owner of the estate, who by the decrease of his produce, sees his debt constantly increasing, and must become a ruined man at the same time that the mortgagee is the loser of his money.

I must ask it.—Has this Court the power to annul or alter contracts lawfully entered into between other parties? The answer must be, No! Yet, if the Court gives its sanction to the adoption of the compulsory manumission clause without securing to the parties affected by it a full compensation for their losses, it would become accessary to an act of injustice which certainly never can be the intention of any one who hears me.

If I am right in the view which I take of the matter, and such is my conviction, that it is impossible to fix a just principle of full compensation for all the losses that may accrue from this compulsory manumission, I am also warranted in feeling that the adoption of it would be an invasion of the rights of property, and this being against the interest of the Colony, I must come to the conclusion that the faithful performance of my duty as a member of this Court forbids me to accede to the proposition.

I am aware that I may incur the imputation of being over fastidious by those who formerly entertained the same opinion with me, but who now seeing cause to change it, recommend the adoption of the clause, not a measure positively good, nor even as free from danger; but as one of prudence *to avoid anticipated evil and mitigate its danger.* I know that a notion has gone abroad that we had to choose between two evils, either to enact the manumission clause here, or to have it imposed on us by an Order in Council, and that the voluntary adoption of it *with such checks and modifications as the Court's experience would suggest, would prove the least of the two evils.* But these calculators forget that Lord Bathurst has precisely pointed out the terms on which he would allow modifications, and that it is not left to the Court to substitute such others *as its experience should suggest.*

For instance, his Lordship says, that nothing can be fairer than the proposed selection of arbitrators in the Trinidad Order, viz. That in the event of the owner and the Slaves not agreeing in the price of the Slave's manumission, the owner shall appoint one, the Protector of Slaves another, and that an umpire shall be appointed by the Chief Judge. It is clear, says his Lordship, that an arbitration on such a principle, would protect the interests of the owner, and if there were any objection it would be, that the bias was in his favour. How the influence of two official characters in the appointment of the two arbitrators against only one, named by the owner, can create a bias in the latter's favour I cannot understand, and it would seem that Mr. President Wray himself is not satisfied with this mode of valuation, for he substitutes in its place *such tribunal as the Court might think desirable.* Whether his Honour has in view the court of justice, or what might perhaps be as fair, a jury of twelve good men, is of little importance, because both are deviations from his Lordship's rule, and of course neither will be admitted.

Under such circumstances I cannot feel the force of the argument, urged as a matter of prudence, to induce me to abandon my first principle, because there is no room left for the exercise of discretion even in proposing *such modifications as the Court's experience might suggest,* if so much that any could be found.

With all due respect and submission to Earl Bathurst, those suggested by his Lordship, do not appear to me to be sufficient, and as it is most probably the last time that I shall take a share in any deliberations on this subject, I feel myself called upon by duty to give my opinion with becoming freedom.

The condition that it must be by the fruits of the Slave's honest earnings that he shall have the right to purchase his freedom, labours under two difficulties, which are, 1st, The means of the Slave to acquire money by honest labour: 2d, The mode to establish the fact that he has acquired it in that manner.

The law says that the Slave must work six days in the week, from sun-rise to sun-set, for his master, consequently during these six days he cannot have any honest earnings, because he has no time at his disposal; and as to Sunday, the moral improvement of the Slave being the grand object of the new Regulations, I take it that Sunday's work of any kind must be discouraged; but even if wages were offered for agricultural labour, few if any Slaves would accept it; and, indeed, the Planter would derive little benefit from it, as he could only expect very little work, and that little ill done. There is but one class of Slaves who can honestly earn some money on Sunday; these are tradesmen, and then they must belong to estates near George Town, where alone they can find employment. But allowing that some few Slaves, under peculiar circumstances, may have it in their power honestly to acquire some money, until there is a total change in their present habits and moral character, very few indeed will think of saving it.

And as to the manner of establishing the fact, that they have acquired the

money honestly, this appears to be almost impossible. Mr. President Wray proposes the establishment of a tribunal, before which the investigation is to be entered into; but we are not told by what rule of evidence this tribunal is to go to work. If a Slave produces two or three thousand guilders, which it would take a long time to bring together in a fair way, how is he to prove that he had accumulated them by honest labour! The ordinary way of tradesmen shewing from their books the profits of their trade, cannot be expected from untutored Slaves; therefore that which in all other cases constitutes proof is out of the question, unless recourse should be had to an oath to be taken by the Slave, which I think should be going too far.

The difficulty is felt by Mr. President Wray; he therefore qualifies it, by calling it *reasonable proof, a presumption from general habits and conduct, that the money produced by the Slave is the saving of his honest labour.* I would ask, if a Slave produces the fullest proof of good conduct and industrious habit in service of his master, what reasonable proof or even presumption can that be, that the money is the saving of his honest labour, when it is clear that the more assiduously and diligently he devotes his time to his master's service, the less he is able to acquire and save money from other honest labour. Earl Bathurst proposes, as an additional guard, that the Slave should produce a certificate of good conduct for five years from the Protector: with this his honour, Mr. President Wray, is not satisfied, because, says he, *in a population of more than* 70,000 *Slaves, the Protector cannot be acquainted with individual character*, and therefore he proposes as an amendment, *that the existence of this habit and good conduct should be shewn before the same tribunal that inquired into the manner the property was obtained.* But his Honour omits to state what better means of information his tribunal would have more than the Protector. I apprehend that both of them are pretty well upon a par in this respect, for it is impossible for both. But I see in this part of the plan a great danger for the Slaves themselves, if masters not very scrupulously disposed should have recourse to unfair treatment of their Slaves, and by repeatedly bringing their names for alleged offences on the punishment record book, with a view to depreciate their characters, and thereby to put it out of their power to establish a five years *good character.*

As a last resource, by way of check, Earl Bathurst proposes a proviso to be adopted, *that a Slave duly convicted of larceny should be incapacitated from purchasing his freedom, at least for a certain number of years.* I am far from wishing to press with undue severity on the character of the Slaves, but such as they now are, I know them so well, that if this proviso be adopted and fairly executed, it must totally paralyse the whole system of compulsory manumission: certainly this cannot be the intention; but until the moral character of the Slave undergoes a change, it would be the certain effect. Through the whole of the argument on this subject, the character of the Slave is entirely mistaken. It is assumed that thefts are not generally practised by Slaves, and that they are only individual instances, which cannot be urged against general measures. The very reverse is the case. I undertake to assert, that there is not a plantation in the Colony where a certain quantity of materials and of produce is not fraudulently substracted by the Slaves, more or less, according to the facility they have to dispose of it. An enlightened member of the Barbadoes Legislature has lately publicly stated, that no less than 10 per cent. of the produce is annually stolen by the Slaves. I do not pretend to fix the quantum here; it depends entirely on the greater or lesser facility to take, and to dispose of what is taken. That this immoral principle has not been better checked, is certainly in a great measure attributable to the great lenity with which Slaves are punished when detected. The same crime for which a white man in England possibly suffers death, but certainly undergoes transportation, is only visited here with a few lashes on the Slave, and even these are not always inflicted, because it would be an almost endless thing if the whip was used for every larceny.

Thus the Slave is become inured to his fraudulent propensities; and the enactment now proposed could only tend to stimulate his ingenuity in the commission of theft, and thus to increase the crime itself. Let those who are practically acquainted with the present character of the Slaves, lay their hands on their hearts, and say whether there is any exaggeration in what I say.

The objection, formerly stated, of the danger that individuals, or even societies, might raise money for a Slave with which to purchase his freedom, is met with this answer, *that the same favour which would procure the money for the manumission, would probably secure the Slave's well-being afterwards.* But how does this meet the case of females made free for illicit purposes? I will not expatiate on this part. As to the danger of money being raised by subscription, the possibility of it is not denied; but it is said that *measures might easily be taken to defeat such a plan, if, indeed, provisions might not be introduced in the law itself to prevent it.* It is greatly to be regretted that Mr. President Wray, who, it is clear, well sees the danger, by proposing to exclude money thus obtained, and therefore adopts the foregoing sentence from Earl Bathurst's despatch, has not been kind enough to take the trouble of pointing out what are those easy measures and legislative provisions, by which the plan can either be defeated or prevented. He has nothing of a specific nature to offer as a guard against the danger which he admits to exist. This shows the insurmountable difficulties with which the subject is surrounded; and shall that be called an act of prudence, by which we abandon a sound and just principle, with our eyes open to the dangers arising from it, and leaving all checks or remedies to every future chance?

Indeed, this system of the Slave's raising money to purchase his freedom is fraught with every tendency to debase his moral character instead of elevating it. The best disposed among them, that is, those of orderly and peaceable conduct might in their present unenlightened state be induced to resort to vile stratagems in order to obtain the boon held out to them of purchasing freedom, the great blessing of which they consider to consist in idleness. It is not an unfrequent occurrence even now, that Slaves and these not of a profligate character, do cause small wounds on their feet or legs which they neglect, purposely to turn them into sores for the sake of being admitted in the sick house, and there to spend their time in idleness; and if they were aware of the existence of the enactment now contemplated, it is not unlikely that many would use means to reduce themselves from a healthy to an unhealthy state, in order, that from their apparent condition, their value be lessened, and the price put upon them be brought down to a level with their means of purchasing. Their moral character, such as it now is, would in like, be further endangered by it, as it would afford a temptation to lessen his value by depreciating his character; one hitherto industrious and comparatively sober, might thus turn an idler and a drunkard, merely to have a better chance to obtain freedom. Those of a profligate character, although probably able working people, would leave no vice impractised to accomplish their end. If such are the consequences to which it may lead, would it not directly defeat the professed object of improving the habits and characters of the Slaves? If it be supposed that such a motive could not operate very generally at present, I answer, that the new regulations are intended to effect a change in the character of the Slaves, and as no dependence can be placed on their moral feelings, it is impossible to calculate favourably on the future effects from the visible relaxation of discipline which the new regulations have already brought in action, particularly on the females.

Having adverted to the material parts of the proposition before the Court, I have only one word to say on the amplification on the Trinidad Order now proposed by Mr. President Wray, by which a Slave wishing to purchase his freedom must also be prepared to purchase that of his family, limiting it to husbands, wives, and children, as well as *to reputed* husbands, wives, and children. At first view, this appears rather a bar than a facility to obtaining freedom; but this aside, if, as I conceive it to be, an irremediable injury may be done to the owner by the loss of only one Slave, what must it be, if at the will of one Slave he must be deprived of a whole family? And if there is any weight in the danger which I apprehend from the fraudulent means by which money may be obtained for the purchase of a single Slave, the present proposition is certainly calculated to increase these frauds in proposition to the numbers making a family.

The motive assigned for this supposed improvement on the Trinidad Order is certainly of a praiseworthy moral character, viz: *To strengthen in the Slave population the ties arising from the sacred obligations of matrimony.* This would sound very well, if his Honour had not extended it *to reputed* husbands,

wives, and children, for this has more the appearance of encouraging the continuance of an illicit connexion than to suppress it, and seems even to force it on the parties rather than supporting the marriage clause. I cannot omit here, stating a fact which has happened within a few days. A coffee plantation (L'Oratorie) is about being publicly sold, and on a division of the families of Slaves, one man claimed as his own, four *reputed* wives and their children. The four women too, all claimed this man for their *reputed* husband, and they all together insisted on being sold with him. This would make a puzzling subject for legislation.

What I have hitherto said belongs to the essential parts of what is laid before the Court for its consideration. If my arguments are weakly expressed, it is much owing to the difficulty of the task of contending with the opinions coming from the highest authority. I prefer the name of a weak arguer to the slightest appearance of arrogance or intemperance, but being called upon by duty to give my opinion, and to assign my reasons for it, I should act unworthily if I did not state them such as they may be to the best of my humble abilities. In the same spirit of candour, I now approach somewhat nearer Mr. President Wray's proposition, that, under all circumstances, there is less danger to be apprehended from the Court's adopting, from its own motive, the principle of compulsory manumission, than if it was to be enacted by a direct Order in Council. In this I can by no means agree. I understand from Earl Bathurst's despatch, that His Majesty's Government expects that the clause shall be adopted by this Court, *in the terms* expressed by his Lordship, and to which I conceive the Court to be confined. If then, this Court cannot conscientiously do what his Lordship expects; and if its representations are not allowed to have any weight, we certainly must expect the enactment by Royal authority, with the modifications and provisoes contained in Earl Bathurst's last despatch. The danger is always the same. It is true, I see, that his Honour has ventured to substitute some provisions of his own making to those suggested by Earl Bathurst, and that he still expects important results from future communications with Government. I cannot know upon what authority his Honour's speculations are grounded, but I read distinctly in his Lordship's despatch, that *it is for the last time, that he brings the regulations under the consideration of the Court.* I therefore think that if Mr. President Wray supposes that his amendments of Lord Bathurst's provisions would meet with any attention on the part of his Lordship, (if so, that they deserve it), I fear his Honour is too sanguine in his expectations. Upon the whole, I do not see what additional danger can be expected from trusting at once to His Majesty's paternal goodness, yet to avert from the Colony an evil which the Court does not feel itself justified in imposing on it. His Honour's great object seems to be, to have only the declaration of the Court, that it admits the abstract principle of compulsory manumission; the qualifying parts might remain an object of future uncertain discussion; with me the difficulty lies in admitting the principle which I cannot conscientiously recognize, and I can have no hesitation distinctly to state why, if the evil must come, I prefer it to originate with His Majesty's Government.

If I acceed to the principle (independent of my acting against a sense of duty, which I cannot do,) I make myself responsible to my fellow Colonists for all the dangers and losses which I foresee from the measure, and should their ruin hereafter be the consequence, they might by an act of mine then be barred from claiming and obtaining that full compensation to which they are and will remain entitled, at least their right of compensation might be called in question if the enactment had originated with the Court in any shape whatever. If it is done by the supreme authority of His Majesty's Government without any intervention of this Court, the right of hereafter claiming full compensation remains uninjured. This is one of my great aims; I wish to protect, as far as in me lies, the property of the Colonists. I wish also to protect the rights of mortgagees and creditors in Europe. I wish to maintain inviolate that good faith on which the property of the Colony depends, and to give stability to public and private credit by showing to mortgagees and creditors that they have never to fear any violation of their rights by this Court.

These are my reasons, for which I continue to hold it to be the duty of this Court to persist in their former resolutions, and to state them to His Majesty's Government in the most respectful manner, with the expression of its humble

hopes that having, notwithstanding all the difficulties with which it has had to contend, in every other respect adopted the several clauses recommended by Earl Bathurst, it has thereby evinced a most submissive readiness to discharge the duty imposed on it by His Majesty's Government, when it could be done without a violation of what the members consider a sacred duty; but as it continues to view the adoption of the principle of compulsory manumission, a measure beyond the pale of its power, it humbly trusts that the non-compliance with the wishes of His Majesty's Government on this tender subject shall in no manner be attributed to any other motive than what is the true one, a sense of paramount duty imposed by the sacred obligation of an oath.

(Signed) F. P. VAN BERCKEL.

The honourable Member having sat down,

His Honour. Mr. President Wray, rose, and answered the observations of the honourable Member, as follows:

I should have given the honourable member credit for his assertion, that he wished to avoid any appearance of intemperance, had the language in which he has clothed his address arisen in the course of discussion, and not been the result of a studied and deliberate opinion. Being so, I can apply to it no other terms than that it is inconsistent, illiberal, and unjust. He has thought fit to indulge largely in personal reflections on my conduct, and has also given some reasons why he objects to the measure proposed. It is with the first of these I have at present to deal. My proposal is pronounced to be widely different from that unanimity which has hitherto marked the conduct of the Court. In what manner the expression of an individual opinion, recommending the consideration of any measure, is to disturb unanimity, I am at a loss to comprehend, but if the fault is in having placed that opinion on the minutes, the record will shew it was so placed at the desire of the Court; and who was the individual who, after he had heard my sentiments, was the person to request I would reduce them to writing, for the purpose not only of being put on the minutes, but of a copy being sent to each member previously to this session? The honourable Member who now disapproves of what he himself recommended. He has not pretended that my verbal opinion is not as faithfully recorded as memory could allow, for every member must know that the written substance is the same, and the language in most instances nearly so.

The Honourable Member is well aware that there is nothing invidious in my use of the expression Colonial Members: he knows that a most fair and liberal principle has been acted on throughout the numerous discussions on this weighty matter, namely, not to put any measure to the vote, where the four Colonial Members were unanimously of opinion that it ought not to be adopted. And to give full weight to their local experience, the Court has been, as the minutes shew, repeatedly adjourned, to secure the attendance of the full number of four Colonial Members, when sickness or any other reason has prevented their appearance.

What consistency is there in the Honourable Member's fastidious objection to the term Colonial Members, when in his studied production, he refers to a separate address of the Colonial Members on this very subject, manumission.

The Honourable Member asserts that the resolution of the 6th September 1825, was entirely framed by me, and is in my handwriting. Can he pretend to be ignorant, that when the Colonial Members agreed on any point, their opinion was allowed by the Court to be conclusive, and that I was frequently requested to embody their opinion in strong, but respectful language; and if it be true, that this resolution was worded by me, that it required no change, is that a subject matter I should wish to know, that any Colonial Member can think requires censure?

The Honourable Member knows, that my opinion throughout on the manumission clause, has been, and has been frequently expressed, that it, whether it may prove beneficial or injurious to the Colony, must inevitably be brought into a law by some power, and that prudence dictated that this should be the place. The Colonial Members in this, as in every thing else, judged for themselves, and stated their objections, which I, in this instance, reduced

into writing; and it is notorious, that there has not been one word inserted in our present Slave code, which has not received the assent of the Colonial Members. Their opinion regulated the whole; what they desired was carried into law, what they disliked was rejected. I have frequently, on the Slave question, pressed what was not adopted; did I ever carry it to the vote? And is it now to be termed 'prescribing a line of conduct to the Court generally, and to the Colonial Members more particularly, and dictating in what manner they shall give their votes,' that I suggest what I deem the safest and wisest course for the Court to pursue; and which the honourable Member thought worthy to be placed on the minutes, and handed to himself for deliberate reflection? How grossly inconsistent is his next objection; that I have ventured to express my opinion, or that I have placed it on the minutes (I don't know which) the honourable Member thinks improper. He now blames me for not pointing out the tribunal I have in view; for not stating by what rule of evidence it is to go to work; neither have I been kind enough to point out those easy measures and legislative provisions, by which the plan of subscription can be defeated or prevented. I have abstained, it appears, improperly from dictating this. What term would the honourable Member have used, had I, which I was very near doing, ventured to have brought forward in addition to my observations, clauses founded on them ready prepared.

I shall not enter into his several objections to the measure; the obvious intention of the whole is to prevent any discussion of the subject. I shall merely observe, that he has misunderstood or misinterpreted the reason I gave for extending the purchase to reputed husbands, wives, and children. If his difficulty, when there is more than one wife, be worth any thing, and he thinks it puzzling, why did he not see the same difficulty in the clause for Marshal's sales, which he has approved? Should the Colonial Members decide not to enter into the discussion of this measure, I think they will act very unwisely; but as heretofore, their unanimous opinion will, I make no doubt, be allowed to prevail.

I have nothing further with which to trouble the Court, than to repeat, that I consider Mr. Van Berckel's reflections most illiberal and unjust.

The honourable Member, Mr. Van Berckel, having briefly supported the general tenor of his observations,

His Excellency, the Lieutenant Governor, expressed his regret at the turn the discussion had taken, and he felt called upon to state his opinion, that his Honour, the President, had not been fairly treated, as would be seen in the paper read by the honourable Member, Mr. Van Berckel; his Honour having delivered his opinion at the last meeting of the Court, had placed it on the minutes at the request of the Members of the Court; he had done so with considerable trouble; and in the arguments adduced, his Excellency saw nothing which could call for personal animadversion; and his Excellency finally observed, that had he been aware of the tenor of certain parts of the paper which had been read, he certainly should have recommended the honourable Member, Mr. Van Berckel, to revise and alter some of the passages.

His Honour the First Fiscal also expressed himself in terms to a similar effect with his Excellency the Lieutenant Governor.

His Honour the Second Fiscal regretted that any thing should arise in the discussion to disturb the unanimity and good feeling which had hitherto been evinced throughout the whole of the deliberations on this important subject; and, in his view of the case, nothing in the opinions placed on the Minutes by his Honour the President, called for the animadversion of the Honourable Member.

The Honourable James Allan stated, that, in his opinion on the question now under consideration, he concurred generally in the principle of the arguments urged by the honourable Member, Mr. Van Berckel, as to the manumission clause, and declared that he could not conscientiously vote for that measure, considering that in so doing he should invade the rights of his constituents and fellow colonists; he doubted, in fact, whether he had the power vested in him so to invade their property.

Baron Van Grovestins then expressed a similar view and opinion with the Honourable James Allan.

The honourable Member, Mr. M'Kenzie, also stated, that he fully agreed in the opinion of his colleagues, the honourable Members James Allan and Baron Van Grovestins.

The Court then adjourned until Wednesday the 2d of August next, at 12 o'clock.

No. 3.

Extract from the Minutes of the Proceedings of the Honourable the Court of Policy of the Colony and dependent Districts of Demerara and Essequebo, at its Ordinary Assembly, held at the Colony House.

George Town, Demerara, Wednesday, the 2d of August 1826.

(After Prayers.)

HIS Honour the President observed, that the tendency of the remarks of some of the Court on Monday, was to consider the admissibility of the manumission clause, as a subject not necessary to be discussed; if they had been led to that conclusion by the arguments of Mr. Van Berckel, he could not agree with theirs, as in a due course of reasoning the positions advanced by him ought to produce a contrary effect.

If Mr. Van Berckel considered some parts of the measure impracticable, others as not likely to be admitted by Lord Bathurst, others, again, as defectively explained by his Honour; all which his Honour contended at some length were the strongest possible reasons for entering fully and deliberately into the discussion, to attempt to remove these difficulties; so little could he anticipate that the measure was not to be attempted to be so modified as to make it possible to adopt it, that he had prepared a draft during the leisure afforded him by his recent illness, putting into form the principles he had on the 3d July last suggested. This he did not intend to place on the minutes, not that he was deterred by the remarks he might expect from Mr. Van Berckel, but that he doubted his own experience and abilities, and the correctness of a draft prepared when he was in some measure weakened by sickness. If the Court would entertain the question, he should be glad to offer this sketch as the outline of any measure which might be adopted.

His Excellency the Lieutenant-Governor having observed that he conceived the draft alluded to by his Honour should be now read by the Secretary, as without it the members would not have the advantage of being in possession of the whole of his Honour's views, and of the practical details of the measure brought forward by him, and as it contained the outline of the means by which his Honour had proposed to bring into operation the manumission clause, he thought the members should have had an opportunity of forming a judgment upon it before they should be called upon to give an opinion on the clause itself.

The draft of his Honour, Mr. President Wray, then read by the Secretary—whereupon

His Honour, the Second Fiscal Bagot, then moved, with the permission of his Excellency the Lieutenant-Governor, that his Honour, Mr. President Wray, be requested to allow the foregoing draft of an Act, intended as an outline thereof, relative to his proposition on the manumission clause, to be placed in this day's minute.

His Honour, Mr. President Wray, stated that he had no objection to the draft being placed on the minutes, although he had not intended it, and considered it very imperfect. His Honour adding, that he should not vote on the question himself.

The Honourable Members, James Allan and C. A. Baron Van Grovenstins, in giving their vote in favour of the motion, took occasion to express their sense of the obligation the Colony was under to his Honour for the great trouble he had been at in framing the proposition he had been so good as to lay before the Court, stating that however they might differ from the view he had taken of this question, they could not but consider his exertions deserving of great praise.

The motion of his Honour, the Second Fiscal, was then declared carried, the Honourable Member F. P. Van Berckel stating that he should not vote on

it, having already expressed a contrary opinion on the principle of the clause in question.

His Excellency the Lieutenant-Governor then directed the Secretary to take the opinions of the respective Colonial members on the question, whether they should now proceed to discuss the manumission clause, on the principle detailed in the proposition of his Honour Mr. President Wray, before the Court, or on that laid down in Earl Bathurst's despatch of the 25th of February last, and the Secretary having formally collected their opinions, the Honourable Members James Allan, C. A. the Baron Van Grovenstins, and George M'Kenzie stated, that having already expressed their opinion, that the principle of manumission against the will of the owner, is a direct violation of the sacred right of property, and the paper now brought on the minutes having that principle for its basis, although under certain limitations, they cannot enter into the consideration of it.

The Honourable F. P. Van Berckel declaring to adhere to his opinion already given on this question,

The Court finally resolved that his Excellency the Lieutenant-Governor be requested to transmit to Earl Bathurst a copy of the minutes of their late deliberations upon this subject, with the reiterated expression of their sincere regret that they have been altogether unable, from the weighty reasons which they have herein set forth, to meet more nearly the wishes and recommendations of His Majesty's Government.

Mr. President Wray's Draft.

AND it is further ordered, that if any unmarried Slave, or any Slave not having a reputed husband, or wife, and being of the age of 21 years, shall be desirous to purchase his or her freedom; or if any married Slave, or any Slave having a reputed husband or wife, shall be desirous to purchase his or her freedom, together with the freedom of such husband or wife, or reputed husband or wife; and if the owner or representative of the owner of any such Slave or Slaves shall be unwilling to effect his, her, or their manumission, or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in, such Slave or Slaves being vested in any other person or persons, be unable to execute the valid and effectual manumission of any such Slave or Slaves, or if the owner, or his representative, or any other person having an interest in any such Slave or Slaves shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave or Slaves shall be absent from the Colony, or shall not be known, or if any suit or action shall be depending in the Court of Justice wherein the title to the said Slave or Slaves, or the right to his or their services shall or may be in controversy; or if the owner, or the representative of the owner of any such Slave or Slaves shall demand, as the price of his, her, or their freedom, a greater sum of money than may be the fair and just estimate of the loss which the owner may sustain by the act of manumission—then, and in each and every of the cases aforesaid, the President or acting President of the Court of Justice, on application to him for that purpose, made by the Protector of Slaves (who shall, previously to making the same, ascertain that there are reasonable grounds for such application,) shall issue a summons, requiring the owner or representative of the owner, of such Slave or Slaves, or in case the owner or his representative is not known, then the person or persons under whose direction such Slave or Slaves may be, to appear before him by themselves, or their agents, at some convenient time and place to be for that purpose appointed, and notice shall also be published by the said Protector of Slaves, in the Royal Gazette of the Colony, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having, or claiming to have, any title or interest in or to the Slave or Slaves proposed to be manumitted, either in their own right, or as the Guardian, Attorney, or Executor of any other person, shall be required to attend and prefer such claim—Provided always, that no female Slave, having a child or children under the age of years, shall be allowed to purchase her own freedom without at the same time purchasing the freedom of such child or children.

See Parliamentary Papers, page 120.

And it is hereby further ordered, That at the time and place to be appointed as aforesaid, the President, or acting President, in the presence of the Protector of Slaves, and also in the presence of such person or persons who shall have been duly summoned, as hereinbefore provided, or (upon proof being made to him upon oath of the due service of such summons, and publication of such notice, as aforesaid then, if necessary) in the absence of such person or persons shall proceed to hear in a summary way, what may be alleged by the said Protector of Slaves by such person or persons so summoned, if appearing, or other persons claiming any interest in the Slave proposed to be manumitted, and in case the parties or any of them shall refuse to effect any such manumission, or if it shall appear to the said President or acting President that a valid and effectual manumission of any such Slave or Slaves cannot legally be effected by private contract, or if the said President or acting President shall find that the owner of any such Slave or Slaves, or that any person having any charge upon, or interest in him, her, or them, is a minor, or married woman, or idiot, or lunatic, or that the real and true owner of any such Slave or Slaves, or that any person having any charge upon, or interest in him, her, or them, is absent from the Colony, or cannot be found, or that any suit or action is depending in the Court of Justice, wherein the title to the said Slave or Slaves, or the right to his, her, or their service is in controversy, or if it shall appear to the said President or acting President that any difference of opinion exists between the Protector of Slaves and the owner, or the representative of the owner of any such Slave or Slaves, respecting the fair and just estimate of the loss which the owner may sustain by the act of manumission, then, and in every such case, the President or acting President shall require the Protector of Slaves, and the person or persons who have been summoned, and appeared as before mentioned, or other person or persons who shall have proved any interest in, or title to the said Slaves, to nominate each an appraiser; such person or persons one, and the Protector of Slaves one, and the President or acting President shall himself nominate two persons, one of whom shall be chosen by such person or persons who have been summoned, and appeared as aforesaid, or by such person or persons as shall have proved any interest or title as aforesaid, to be an umpire between such appraisers. And the said appraisers, being first duly sworn to make a fair, impartial, and just estimate of the loss which the owner may sustain by the act of manumission, shall, within one calendar month next after such their appointment, make a joint estimate of such loss, and shall certify such estimate to the President or acting President, under their hands and seals. And in case such joint certificate shall not be delivered to the said President or acting President, within the said term of one calendar month, then the said umpire so chosen as aforesaid, being first duly sworn in the same manner as the appraisers, shall, within one calendar month after he is so sworn, certify his estimate of such loss to the President or acting President, and the estimate to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the Secretary of the Colony.

And whereas it is uncertain that freed persons will not continue to labour unless they have previously acquired habits of industry, and it is therefore necessary that manumission should be *the result and reward of habitual industry*, Former despatch.
and the right to purchase his freedom should be confined on the Slave only *where the money is raised by the fruits of his honest earnings*, it is hereby fur- Last despatch.
ther ordered, that it shall be the duty of the appraisers of the owner's loss, or of the umpire, as the case may be, to interrogate the Slave or Slaves who seek to be manumitted, and also by any other means to ascertain, if a single Slave, that the money is the fruit of his or her industry, or if a family, that it is the fruit of the industry of the whole or of some part of such family, or if the purchase-money has been left by the will of a relation or acquired by descent, then to ascertain, if a single Slave, that he or she is a person of industrious habits, and if a family, that the head of the family is so.

And where the appraisers, or the umpire, as the case may be, find that the purchase-money is the fruit of the honest industry of the Slave or Slaves seeking to be manumitted, it shall be their or his duty so to certify; and where the money has been left by the will of a relation, or acquired by descent, and they or he find that the single Slave, or the head of the family seeking to be manu-

mitted, is a person of industrious habits, then to give a certificate to that effect; and unless such certificate as the respective cases may require be produced, the President, or acting President, shall not be authorized to certify that the proceedings required by Law for the manumission of the Slave or Slaves have been duly had before him.

And it is further ordered, that it shall not be lawful for any Slave or Slaves to purchase his, her, or their freedom against the consent of the owner, with any money which has been either lent, given, or which has been raised by either private or public subscription.

And it is hereby further ordered, that upon payment into the office of the Secretary of the Colony, of the amount of the loss so estimated as aforesaid, after deducting therefrom the expenses of the appraisement to be allowed by the President or acting President, the said Secretary shall grant to the Protector of Slaves a receipt for the money so received by him; and such receipt shall be duly enrolled in the Secretary's office, together with a certificate under the hand of the President or acting President, that the proceedings required by Law for the manumission of the Slave or Slaves by whom such money was paid, have been duly had before him; and thereupon such Slave or Slaves shall *be*, and be deemed, taken, and *reputed to be* free to all intents and purposes whatsoever.

Trinidad Code.—Why reputed?

And it is further ordered, that the money to arise from the manumission of any Slave or Slaves, by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the President or acting President, on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; or if the right to such money be in dispute, or the owner or owners of it not duly or legally represented, then it may be lawful for the President or acting President so to invest it without any application made to him for that purpose. And if such money shall not be so invested, then such money shall remain in the hands of the Secretary, without interest; and the said money shall be the property of the persons who were the owners of such manumitted Slave or Slaves, and shall be held upon, under, and subject to, all such trusts, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject to, at such the time of his, her, or their manumission; and the said Secretary shall hold the said money, subject to such order as the President or acting President may, upon a summary application of any person interested therein, see fit to make; and such money shall by the said Secretary be paid, applied, and disposed of in pursuance of and obedience to such order.

BERBICE.

No. 1.

MY LORD, *London, 2d June* 1825.

I HAVE the honour of transmitting to your Lordship an extract minute of the proceedings in the Council of Government in the Colony of Berbice, of the 11th February last, by which your Lordship will perceive, that, for the purpose of affording greater facility in framing the intended Order in Council for Berbice, analagous to that now in operation in Trinidad, and for carrying the same into effect, I have recommended that the Colony should be divided into districts, and certain civil Magistrates appointed to each, and their several powers and authorities clearly defined; which recommendation has been acceded to by the Council.

I have, &c.

(Signed) HENRY BEARD,
Lieut.-Governor of Berbice.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable Council of Government.

Friday, 11th February 1825.

HIS Excellency, with reference to certain provisions of the order intended to be made for the government of the Slave population in this Colony, stated his desire to obtain the opinion of the Council, as to the division of the Colony into districts, the eligibility of persons to fill the office of local Magistrates therein, the powers to be delegated unto them, and the rules to be prescribed for their guidance in the exercise of such authority. His Excellency observing that he considered it would be highly desirable that the members of the Council should, *ex officio*, perform the duties of Magistrates in the districts where they respectively resided.

The Council concurred in opinion with his Excellency, and, having deliberated, stated they considered that the Colony should be divided into districts, as follows:

East and Corentine Coast—three districts, viz.

No. 1.—To commence at No. 1, East Coast, and to extend to No. 1, Corentine Coast.

No. 2.—To commence at No. 1, Corentine Coast, and to extend to No. 27 of said coast.

No. 3.—To commence at No. 27, and to extend to extremity of the inhabited part of the said coast, and river Corentine, including the permanent and temporary residences of wood-cutters and settlers on said river.

West Coast—two districts, viz.

No. 1.—To commence at Plantation Edward, and to extend to lot No. 27.

No. 2.—To commence at No. 27, and to extend to Abany Creek.

River—four districts, viz.

No. 1.—To commence at Plantation Overwinning, and to extend to Plantation Highbury inclusive—East bank of the River.

No. 2.—To commence at the lot of land adjoining Plantation Edward, and extend to Plantation Hoop Van Beter—West bank.

No. 3.—To commence at Plantation Op Hoop Van Beter, and to extend to Plantation Berenstein inclusive—West Bank.

No. 4.—To commence at the lot of land next to Plantation Highbury, and to extend to the extremity of the inhabited part of the river, including all habitations and settlements of wood-cutters on the east side thereof, and on the West bank, all above Plantation Berenstein.

Canje Creek—two districts, viz.

East Bank.
West Bank.

The Council further stated that they considered Proprietors or their Representatives should be preferred in the Magistracy to be appointed under said order. That the persons to be delegated should be efficient. That the rules for the exercise of the authority of such Magistrates should be clearly defined. And that on the same being done, the civil powers with which the officers of the Burgher Militia are at present vested be abolished, and their duties confined to services purely military.

It was accordingly resolved, that such regulations should be taken into early consideration.

No. 2.

SIR, *Downing Street, 25th April* 1825.

I HAVE received your despatch of the 29th of January last, and I am to signify to you His Majesty's approval of the regulation which you have made for the purpose of securing to Slaves the due acquisition of any benefit bequeathed to them.

I have, &c.

Lieutenant-Governor Beard, (Signed) BATHURST.
&c. &c. &c.

No. 3.

SIR, *Downing Street, 17th March* 1826.

I HAVE received His Majesty's commands to desire that in case Governor Beard shall not have arrived in Berbice shortly after you receive this despatch, you will forthwith issue a proclamation in that Colony which shall there carry into effect the whole of the provisions which shall at that time have been adopted by the Court of Policy in Demerara for meliorating the condition of the Slaves. You will, however, make such a modification in the Clause, by which a salary of 14,000 guilders is provided for the Protector of Slaves in Demerara, as will apportion the Protector's salary in Berbice to what you consider to be the relative means of the Colony, and you will make the best selection in your power of an individual to act as Protector until a permanent appointment shall be made by His Majesty, and the person so appointed shall be sent out to assume the office.

I have, &c.
(Signed) BATHURST.

Officer administering the Government of Berbice.

No. 4.

SIR, *Downing Street, 20th March* 1826.

I ENCLOSE to you herewith an Order of the King in Council, bearing date the 30th January 1826, for dissolving the present Council of Government in Berbice, and substituting another. On your arrival in the Colony you will forthwith promulgate this order, and, having convened the new Council, you will lay before them the several documents which I enclose, being copies of the correspondence which has taken place between the Lieutenant-Governor of Demerara and myself, on the subject of the ordinance which has been passed by the Court of Policy, for meliorating the condition of the Slaves in that Colony.

The Council of Government will find in this correspondence the objections which have been urged by that Court against some of the provisions recommended for their adoption, and the explanations by which they have been obviated, and which I am induced to hope will lead to the ultimate adoption of the whole. You will perceive, however, that the Law, as it was first promulgated in Demerara, is imperfect as regards the provisions respecting Sunday labour, Slave property, and compulsory manumissions, and that I have not yet had an opportunity of learning whether the Court of Policy will acquiesce in the reasons which are contained in my despatch of the 25th ultimo, and be induced to make the necessary amendments.

You will, therefore, lose no time in obtaining from the Lieutenant-Governor of Demarara a copy of the ordinance which you shall find to be then in force in the Colony, and lay it likewise before the Council of Government. When that body shall have duly considered these documents, it will be satisfactory to me to learn that they have perceived the expediency of their concurrence with you in promulgating an ordinance embodying the same provisions that were in the first instance contained in the Demerara ordinance; and likewise those at first omitted, and which, if not at length adopted by the Court of Policy, are to be added in the Order of His Majesty in Council, which will be issued to confirm the ordinance. If the Court of Government of Berbice shall be unwilling to adopt any provisions which the Court of Policy may possibly continue to reject, I assure myself that they will at least not hesitate to concur in carrying into effect what that body shall have enacted, and you will immediately proceed to pass, with their advice and consent, an ordinance for meliorating the condition of the Slaves, similar to that which shall be then in force in Demerara, with such modification however, of the clause by which a salary of 14,000 guilders is assigned to the Protector of Slaves in Demerara, as shall apportion that of the Protector in Berbice to what you shall consider to be the relative means of the Colony, as well as the duties of the office. This ordinance will be ultimately confirmed by the King in Council, and if not complete, as promulgated by yourself and the Council, the provisions wanting in it will be then submitted to His Majesty in Council as proper to be supplied by the Royal authority.

I have, &c.

Lieutenant-Governor Beard, (Signed) BATHURST.
&c. &c. &c.

No. 5.

SIR, *Downing Street, 20th March* 1826.

IN directing you to put in force the Demerara Ordinance referred to in my other despatch, I must call to your particular attention that part which relates to the duties of Protectors of Slaves.

I am aware that these duties are in their nature very invidious, and that in the due execution of them it requires, on the one hand, great discretion, so that no inconsiderate encouragement be given to groundless or frivolous accusations by Slaves against those who are placed in authority over them, and great firmness on the other, so as not to compromise the welfare of the Slaves to the fear of giving offence to their masters. I need not, therefore, press upon you to give the Protector of Slaves all the advantage of your countenance and asssistance.—But I deem it expedient to instruct you that if, in any prosecutions which he may consider it necessary to advise, you should observe any backwardness in those whose duty it would be to forward them, or any difficulties unjustifiably interposed by any of the existing authorities, you will immediately make me acquainted with such attempts to counteract the beneficial effects of this part of the Ordinance, so that I may be able to take the proper steps for removing them.—And you will from time to time communicate to me the several proceedings which may be instituted by the Protector of Slaves, particularly in the discharge of this part of his duty, and inform me of their result.

I have, &c.

Lieutenant-Governor Beard, (Signed) BATHURST.
&c. &c. &c.

No. 6.

SIR, *Downing Street, 20th March* 1826.

WITH reference to my other despatch of this date, I have received the King's commands to desire that in the event (I hope improbable) of your not being enabled to obtain the concurrence of the Council of Government in enacting an Ordinance, similar to whatever Law you may on your arrival in Berbice find to be in force in Demerara, you will then at once carry such Law into effect by a Proclamation in His Majesty's name.

I have, &c.

Lieutenant-Governor Beard, &c. &c. &c. (Signed) BATHURST.

No. 7.

MY LORD, *King's House, Demerara, 11th May* 1826.

I HAVE had the honour to receive your Lordship's despatch of the 17th March.

I shall duly observe the instructions it contains, and as the Court of Policy of this Colony will meet on the 24th instant, for the final consideration of your Lordship's commands, conveyed to me in your despatch of the 25th of February, I shall, at the conclusion of that sitting, know "the whole of the provisions, which shall at that time have been adopted in Demerara;" and I will then, if Lieutenant-Governor Beard shall not have arrived in the mean time, issue a proclamation, carrying the same provisions into effect in Berbice; paying due attention to the provisional appointment of a Protector, and to the proportion of salary to be given him.

Vide Demerara Papers, presented last Session.

I conceive that this arrangement will be in accord with the spirit of His Majesty's commands, since, as I received your Lordship's despatch on the 3d instant, and the sitting of the Court of Policy will probably occupy a few days, about a month will have elapsed between the time of its having reached me, and the issue of the proclamation in Berbice; an interval which will, I think, pretty well answer to the expression of "shortly after the receipt of the despatch," by which I am to be directed in proclaiming the Slave Law, if the Lieutenant-Governor of Berbice should not have arrived.

I have, &c.

The Right Hon. Earl Bathurst, K. G. &c. &c. &c. (Signed) D'URBAN.

No. 8.

SIR, *Downing Street, 3d June* 1826.

PREVIOUSLY to your taking possession of the very arduous and important situation to which you have been appointed as Protector of Slaves, it is necessary that I should convey to you some special instructions for the regulation of your conduct in the exercise of its various duties.

It will be your particular duty, as Protector of Slaves, to watch over the faithful execution of all such provisions or regulations, with respect to the treatment of Slaves, as are at present in force in Berbice, or as may at any future time be established there by any lawful authority.

You will, if necessary, apply to the local Government for any facilities which may give you more complete opportunities of receiving and considering any complaints which may be preferred by the Slaves against their owners, or any other persons exercising a delegated authority over them, and you will not fail to make a report to the Lieutenant-Governor, which will be transmitted to me, on the subject of any practical impediments which may be found in the execution of any part of your duty.

You will not deem it necessary, in all cases, to wait to receive complaints from the Slaves themselves; but if you shall hear of any unwarrantable treatment to which any Slave, or any gang of Slaves are exposed, you will repair to the estate, and there institute a diligent inquiry into the conduct of those persons who may be responsible upon the occasion.

You will not, however, forget, in the execution of your office, that it is also your duty to secure all the legal rights of the proprietor as well as of the Slave, as far as they are involved in any transaction with you as Protector.

You must exercise a constant discretion in impressing upon the minds of the Slaves, in the most forcible manner, that the measures which have been provided for their protection are in no degree to interfere with the unremitting practice of industry and obedience to which, under prescribed regulations, their owners are by law entitled; but on the contrary, that those duties are the more strictly to be observed by them, in proportion as Law and regulation interpose, to prevent any improper exercise of the authority of the master.

You must explain to them, that although they may always expect to find in you a vigilant friend and protector, in all cases where such protection can be properly required, they will at the same time find you entirely determined to discountenance any frivolous and unfounded complaints which may be preferred against their masters.

You will not fail to make it your early and peculiar study to fix on the mind of the Slaves, by such arguments and explanations as are suited to their state of information and comprehension, the principles which are contained in this letter, and which pervade all that course of legislation which His Majesty's Government have established and recommended in pursuance of the Resolutions of both Houses of Parliament.

I have, &c.

(Signed) BATHURST.

David Power, Esq., Protector of Slaves, Berbice.

No. 9.

My Lord, *Berbice, 21st July* 1826.

I HAVE the honour to inform your Lordship, that in obedience to your Lordship's instructions, I convened the new Council of Government as early as possible, after proclaiming the King's order of 30th January last, for dissolving the late Council, and laid before them your Lordship's despatch of the 20th March last, and the documents therein referred to; and also the Demerara Ordinance for the religious instruction of Slaves, and bettering their condition; together with a despatch which I had received on that subject, from the Lieutenant-Governor of that Colony, and I now have the honour of transmitting to your Lordship minutes of the proceedings of Council on this important matter on the 20th instant. It is my pleasing duty to state to your Lordship, that the new Council of Government have evinced their perfect readiness to meet the views of His Majesty's Government, as far as they possibly can, and I hope with as little delay as possible, to put the new measures for meliorating the condition of the Slave population in this Colony, into satisfactory operation.

I have, &c.

(Signed) HENRY BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable the Council of Government.

Thursday, 20th July 1826.

The Lieutenant-Governor stated that he had now to bring under the consideration of the Council a subject of considerable importance, viz. the proposed Ordinance for meliorating the condition of the Slaves in this Colony; and his Excellency was assured that the Council would give the matter their most serious and unbiassed attention, which he trusted might enable him to report satisfactorily thereon to His Majesty's Government.

A dispatch bearing date 20th March 1826, addressed by the Right Honourable the Earl Bathurst, to the Lieutenant-Governor on the subject of said Ordinance was then read. *(Vide Appendix.)*

The correspondence referred to in said despatch was then laid on the table, and his Excellency said he had applied to the Lieutenant-Governor of Deme-

rara for a copy of the Slave Ordinance now in force in that Colony, as also for the further information desired; to which his Excellency had received an answer from the Lieutenant-Governor, dated the 13th instant, transmitting a copy of said Ordinance, and stating that the ultimate consideration of the provisions deemed by His Majesty's Government essential to complete said Ordinance, was to be entered into by his Excellency, in conjunction with the Court of Policy, on the 31st instant, when he would not fail to transmit without delay the result. The despatch was then read as follows:

SIR, *King's House, Demerara, 13th July* 1826.

I have had the honour to receive your Excellency's despatch of the 10th instant, and I herewith transmit accordingly the Slave Ordinance now in force in Demerara, with respect to which I refer your Excellency, in explanation, to No. 2, of my memorandum of the 6th instant, forwarded to your Excellency on the 9th instant.

In all probability your Excellency already has the Parliamentary Papers which I also enclose. Lord Bathurst's despatch, No. 5, page 119, of those papers, contains his Lordship's remarks upon the 9th, 27th, and 29th articles of the Ordinance, the ultimate consideration of which (as I have already had the honour to inform your Excellency) I am to enter into with the Court of Policy on the 31st instant; and I will not fail to transmit to your Excellency without delay, the result of that sitting.

I have, &c.
(Signed) B. D'URBAN.

After which his Excellency said, that immediately on receipt of the promised information from Demerara, he would convoke the Council, and submit the same for their further consideration.

The Council thanked his Excellency for the communication, said they were anxious to be informed of the ultimate view which the local Government of Demerara may take of the required provisions of the intended Ordinance, respecting Sunday labour, Slave property, and compulsory manumissions, further stated that they would immediately proceed to examine the various documents, and readily co-operate with his Excellency in carrying into effect the objects of His Majesty's Government, as far as they possibly could.

No. 10.

MY LORD, *Berbice, August 16th* 1826.

I HAVE the honour to transmit to your Lordship the minutes of the proceedings in Council on the 8th instant, on the subject of the new Slave Code for this Colony, and also the copy of a letter which I have subsequently
6th August 1826. received from Sir Benjamin D'Urban, relative to the proceedings of the Court of Policy at Demerara on the proposed amendments to the Slave Code now in force in that Colony. I had summoned the Council, to take these important measures into consideration, to-day, but on account of the indisposition of some of the members, I have been obliged to postpone their meeting until Monday next.

Although I cannot pledge myself for their adoption of the amendments proposed by your Lordship to the Demerara Code, yet from the feeling which appears to me to prevail amongst the Council, and discussions which I have had with some of the members on the subject, I flatter myself with the hope that I shall be able to carry the wishes of His Majesty's Government into effect, and very shortly make a satisfactory report of my proceedings thereon to your Lordship.

I have, &c.
(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Tuesday, 8th August 1826.

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; and the Honourable W. Scott; Charles Kyte; Wm. Campbell; James Culley; T. A. Jones; and John S. Usher.

(After Prayers.)

His Excellency called the attention of the Council to the Slave Ordinance intended to be passed in this Colony, and requested to be informed whether members had been able yet to examine the Demerara Ordinance, and the numerous papers and documents on that subject, which he had submitted to the Council for their consideration on the 20th and 22d July last, observing, at the same time, that he had not yet received the expected information from Demerara relative to the result of the deliberations of the Court of Policy on the proposed amendments to their Slave Code, as regarded manumissions, Sunday labour, and Slave property.

The Council said that they had maturely considered the subject, and the various papers and documents relative thereto, which had been submitted to them by his Excellency, and that they were perfectly ready and willing to co-operate with him in framing and giving effect to the proposed Ordinance without any unnecessary delay; but at the same time they observed, that as it was extremely desirable that they should know, if possible, the result of the deliberations of the Court of Policy in Demerara on the proposed amendments to their Code, previous to coming to any final conclusion on this important subject, they submitted to his Excellency the expediency of waiting a few days for the arrival of the promised information.

His Excellency replied that he was fully assured of the readiness of the Council to co-operate in giving effect to the objects of His Majesty's Government on this matter as early as possible; and as he concurred with the Council in opinion, that it was important to receive the expected information thereon before finally settling the proposed Code for this Colony, he would, at the rising of the Council to-day, adjourn it until to-morrow week, when he hoped to be able to lay the required information before them.

Sir, *King's House, Demerara, 6th August* 1826.

WITH reference to my communications of the 6th and 13th of last month, I have the honour to inform your Excellency, that the Court of Policy of this Colony has been occupied upon the Slave Code during the whole of last week, and has concluded its deliberations thereon.

No alteration, however, has resulted to the Code, which, therefore, remains precisely the same as in the copy which I had the honour to transmit to your Excellency with my despatch of 13th July.

There is, however, a short supplementary clause which followed the Code, prescribing a form of Punishment Record Book, and which I think I did not send to your Excellency together with it. I now transmit it.

I have, &c.

(Signed) B. D'URBAN.

His Excellency Lieut.-Governor Beard, &c. &c. Berbice.

No. 11.

My Lord, *Berbice, 31st August* 1826.

I HAVE the honour to transmit to your Lordship extract minutes of the proceedings in Council on the 21st, 23d, and 24th of the present month, rela-

tive to the intended new Slave Code for this Colony, and I flatter myself that it will be satisfactory to your Lordship to learn that the Council have proceeded with persevering industry in adapting the Demerara Code to the circumstances of this Colony, and at the same time embodying in it (under certain modifications) the amendments proposed by your Lordship regarding Sunday labour, Slave property, and compulsory manumissions, in your Lordship's despatch of the 25th February last, to the Lieutenant-Governor of Demerara.

I hope to have the new Code completed in a few days more, and shall then lose no time in promulgating it, and transmitting it to your Lordship.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Monday, 21st August 1826.

(After Prayers.)

His Excellency stated that he had convened the Council for the purpose of again taking into consideration the new Slave Code, and laying before them a despatch which he had received since their last meeting from Sir B. D'Urban, Lieutenant-Governor of Demerara, dated the 6th instant, conveying the result of the deliberations of the Court of Policy in that Colony on the proposed amendments to their Slave Code.

The Secretary then read the despatch, which is as follows:

"Sir, "*King's House, Demerara, 6th August* 1826.

"With reference to my communication of the 6th and 13th of last month, "I have the honour to inform your Excellency, that the Court of Policy of this "Colony has been occupied upon the Slave Code during the whole of the last "week, and has concluded its deliberations thereon.

"No alteration, however, has resulted to the Code, which, therefore, remains "precisely the same as in the copy which I had the honour to transmit to "your Excellency with my despatch of the 13th July.

"There is, however, a short supplementary clause, which followed the Code, "prescribing a form of Punishment Record Book, and which I think I did not "send to your Excellency together with it. I now transmit it.

"I have, &c.

"(Signed) B. D'URBAN."

To his Excellency Lieut.-Governor Beard, &c. &c. Berbice.

His Excellency then observed, that he hoped the Council had fully considered all the papers which had been laid before them on this subject, and that they would now proceed with him in preparing the Ordinance to be issued in this Colony at the earliest possible period, in order that it might be published, and put into operation a sufficient length of time before the Christmas holidays.

His Excellency observed, that he hoped the Council would at the same time give their most earnest consideration to the proposed amendments, and make the intended Slave Code in this Colony as consistent as possible with the views of his Majesty's Government.

After some discussion, the members proposed to meet at the Court House to-morrow morning at 7 o'clock, to examine and make their observations on the Demerara Code, and afterwards to attend his Excellency in Council at 10 o'clock, which was agreed to.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Wednesday, 23d August 1826.

(After Prayers.)

The Council resumed the further consideration of the proposed new Slave Code for meliorating the condition of that part of the population in this Colony, and after discussing at considerable length several clauses of the Demerara Code, and particularly the amendments which had been proposed thereto, and deemed essentially necessary by His Majesty's Government, viz.—compensation to Slaves for labour of absolute necessity performed for the benefit of their owners on Sunday; the eligibility of Slaves to hold land as well as other property; and the right of Slaves to purchase their own freedom from their owners on equitable terms; the said amendments were, under certain modifications, adopted, and agreed to be introduced into the new Code. The Council then took into consideration the clause of the Demerara Code with respect to the admissibility of Slave evidence, subject to the same rules as govern the competency of persons of free condition; when, after considerable discussion on this clause, which was protracted to a late hour, and there being a difference of opinion thereon, his Excellency proposed to adjourn the further consideration of this clause, and the remaining clauses of the Code, until to-morrow morning at 10 o'clock, which was agreed to, and the Council, after prayers, adjourned accordingly.

Extract from the Registers of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Thursday, 24th August 1826.

(After Prayers.)

The Council resumed the consideration of the proposed new Slave Code, and after comparing the clause of the Demerara Code with the clause of the Trinidad Order in Council, as to the admissibility of Slave testimony, and discussing at considerable length the principles and effects of these clauses, the Council agreed to adopt the Trinidad clause on this subject.

The Council having completed their examination of the several clauses in the Demerara new Slave Code now in force in that Colony, and fully deliberated thereon, and made such alterations and amendments therein, and additions thereto, as they considered necessary for framing the new Slave Code for this Colony, and meeting the views of His Majesty's Government relative thereto, directed the Secretary to prepare as speedily as possible a draft of the intended Code, in order that it might be revised and finally considered at the next meeting of the Council.

No. 12.

My Lord, *Berbice, 22d September* 1826.

I HAVE the honour to transmit to your Lordship extracts from the minutes of the proceedings in Council of the 30th August last, 13th, 14th, and 20th of the present month, regarding the new Slave Code for this Colony, which is now so far completed that I hope to be able to publish it next week, and forward it to your Lordship by the first opportunity. I propose to bring it into operation on the 1st November next, and I flatter myself that the harmony and good feeling which have prevailed in the Council during the discussion of these im-

portant measures, and the unanimity with which the amendments to the Demerara Code have been made, with a sincere desire to meet the views of His Majesty's Government, will prove satisfactory to your Lordship.

I have, &c.
(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Wednesday, 30th August 1826.

(After Prayers.)

The Council then proceeded to revise and consider the draft of the intended Code for the melioration of the condition of the Slave population in this Colony, when a difficulty occurred as to the extent of the authority of the Deputy Fiscals in Demerara (similar officers in this Colony under the title of Civil Magistrates, being proposed as Assistant Protectors of Slaves), and as the Council deemed it essential to define the duties of such officers clearly, and not leave the proposed Code subject to any avoidable difficulty in its execution, they submitted the propriety of obtaining from Demerara information thereon previous to finally settling the Code for this Colony; to which his Excellency acceded. And as his Excellency stated that he had already written to Sir Benjamin D'Urban on this subject, and expected an answer in three or four days, it was agreed to adjourn the Council until the answer should arrive.

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Charles Kyte, Wm. Campbell, and T. A: Jones.

Absent.

Wm. Scott, James Culley, and John S. Usher.

Wednesday, 13th September 1826.

(After Prayers.)

His Excellency stated that he had obtained from the Lieutenant-Governor of Demerara the information desired at the last meeting, relative to the extent of the authority of the Deputy Fiscals and Assistant Protectors of Slaves, as also the regulations for the tread-mill erected in the gaol of Demerara, as the means of correctional punishment, which was accordingly read.

(*Vide* Appendix.)

His Excellency further stated, that he would defer the final consideratio of the draft of the intended Code for the melioration of the condition of the Slave population until to-morrow, when he hoped the members at present indisposed might be able to attend.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

Wm. Scott, and J. S. Usher.

Thursday, 14th September 1826.

(After Prayers.)

The draft for the intended Code for the melioration of the Slave population was then read, and after the several clauses and amendments and additions had been discussed and maturely considered, the draft was finally approved of, and the Secretary was directed to prepare a fair copy of it, and deliver it as early as possible to his Excellency, who stated that he would at the earliest convenient day after the receipt thereof, convene the Council for the purpose of finally passing and signing the said Code, at which time he hoped there would be a full attendance of the Council.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq., Lieutenant-Governor, and the Honourables Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones.

Absent.

John S. Usher.

Wednesday, 20th September 1826.

(After Prayers.)

His Excellency stated that the Secretary, pursuant to direction given on the 14th instant, had prepared a fair copy of the draft of the intended Code for the melioration of the Slave population in this Colony, and that his Excellency had convened the Council for the purpose of finally passing and signing said Code.

The Secretary then proceeded to read the same, article by article, to several of which certain verbal and other amendments and additions were made, when, having proceeded as far as the clause directing the * keeping of a Marriage and Birth Record Book, his Excellency proposed, as it was four o'clock of the day, to adjourn the further reading of the said Code until to-morrow morning at ten o'clock, which was agreed to.

* An amendment is made to the 26th clause of the Demerara Code, by which it is made *compulsory*, under a penalty, on proprietors to keep an accurate record of all marriages and births of Slaves upon estates, to be transmitted to the Protector whenever he may require it.

No. 13.

My Lord, *Berbice, 23d October* 1826.

25th September 1826. I HAVE the honour to transmit to your Lordship the new Code, which, with the unanimous concurrence of the Council, has been passed for promoting the religious instruction and bettering the state and condition of the Slave population in His Majesty's Colony of Berbice; and also a minute made by the Council on passing and signing this document.

25th September 1826. This Ordinance has been framed upon the model of the Code now in operation in Demerara, with such amendments and additions, however, as local circumstances rendered necessary, and more particularly with due attention to such amendments as your Lordship's letter of the 25th February last, to the Lieutenant-Governor of Demerara, pointed out, as regards Sunday labour, the right of Slaves to hold property in land, and the right to be given to a Slave to purchase his manumission without the consent of his owner.

To these three principal points I will now proceed to draw your Lordship's more immediate attention, respectfully referring your Lordship to the manuscript Code itself for those amendments and additions which are of a minor description, but which I trust your Lordship will nevertheless consider of some importance.

With respect to Sunday labour, your Lordship will perceive, on reference to the 9th clause of the Berbice Code (B), that "it is strictly provided that the several descriptions of exigible labour" (previously enumerated) "are to be only performed for wages to be paid to the Slave himself or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour."

By the 27th clause, the right of Slaves to possess landed as well as other property in the Colony, is established by law under the following provisions, namely, "That nothing hereinbefore contained shall extend or be construed "to extend to affect or prejudice the right of property which the proprietor or "owner legally has in or to his Slave or Slaves; and his or her services shall "in no manner be alienated, diminished, or deteriorated by the possession of "any land or other property as aforesaid, which any such Slave or Slaves may "by virtue hereof legally acquire; but such land or other property so acquired "by such Slave or Slaves as aforesaid, shall alone be considered and remain "liable to and for any debt or debts, of whatsoever nature or kind, which such "Slave or Slaves may at any time incur for or in respect of any such land or "other property as aforesaid; and the person or persons of the said Slave or "Slaves shall be for ever freed and discharged from all liability for or on ac-"count of any such debt or debts."

These provisions have been considered necessary to secure to the proprietor his right of property in his Slaves, and to their undiminished services.

With reference to the third and most important point, and which is considered "a vital part of the whole measure," namely, the right to be given to the Slave to purchase his manumission, without the consent of his owner, I have great satisfaction in referring your Lordship to the 31st, 32d, 33d, and 34th clauses of the Code, by which your Lordship will find that this right is clearly established by law, subject, however, to certain restrictions, which will be found in the concluding part of the 34th clause, namely, "Provided always "that nothing hereinbefore contained shall extend, or be construed to extend, "to entitle any Slave or Slaves within this Colony to purchase the freedom of "himself, herself, or themselves, or of his or her wife, or husband, or child, or "brother, or sister, or reputed wife, or husband, or child, or brother, or sister, "without the consent of his, her, or their owner or owners, unless it shall be "made to appear, to the satisfaction of the Protector or Deputy Protector of "Slaves (as the case may be), that the money wherewith such Slave or Slaves "may propose to purchase his, her, or their freedom as aforesaid, arises from "the earnings of his, her, or their own honest industry, or has been bequeathed "unto him, her, or them, by last will and testament, or acquired by legal or "testamentary succession; and also that sufficient proof has been exhibited "unto him, the said Protector or Deputy Protector of Slaves (as the case may "be), that such Slave or Slaves has or have conducted himself, herself, or them-"selves, honestly and faithfully for the period of five years then next preceding

" such application for manumission. And provided also, that nothing herein-
" before contained shall extend, or be considered to extend, to entitle any such
" Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the
" Slave or Slaves proposed to be manumitted shall have been convicted of lar-
" ceny, or shall have suffered corporal punishment under the sentence of any
" court of competent jurisdiction, within the period of seven years next pre-
" ceding his, her, or their application for manumission as aforesaid."

With respect to prosecutions to be directed by the President of the Courts of Justice on the applications of Slaves, and power to be granted to the Protector to bring or defend any action in respect of the property of the Slave, I take the liberty of observing to your Lordship, that before the passing of this Ordinance, prosecutions could be, and have been, directed by the President, or commenced by the Fiscal, on the application of Slaves having just ground of complaint against their owners, or other persons; however, as your Lordship has suggested the propriety of special authority being granted by the Ordinance to the President of the Court of Justice, and to the Protector of Slaves, for these purposes, due provision has been made therein accordingly, as will appear by the following extract from the 8th clause of the Ordinance: " And in case
" in the complaint of any Slave or Slaves, it shall appear to the President of
" the Court of Criminal Justice of this Colony, that the offence charged therein
" should be prosecuted, it shall and may be lawful for, and the said President
" is hereby fully empowered to direct the prosecution thereof, in manner as is
" by law established.

" And in case the Protector or Deputy Protector of Slaves (as the case may
" be) in this Colony, on the application of any Slave or Slaves desirous to bring,
" maintain, and prosecute any suit or action in any Court of Justice in this
" Colony, for or in respect of any such claim of freedom, or right to property
" which he, she, or they, is or are hereafter declared competent to acquire,
" should consider that the said Slave or Slaves has or have good, just, and
" legal grounds of suit or action in respect thereof, then and in every such case
" it shall and may be lawful for, and he the said Protector, or Deputy Protec-
" tor of Slaves (as the case may be), is hereby fully empowered to commence
" and prosecute such suit or action in behalf of such Slave or Slaves, in manner
" and form as prescribed by law, with respect to persons of free condition."

I believe I have now drawn your Lordship's attention to the most important features in the Berbice Ordinance, and I venture to flatter myself with the hope that the principles which have been adopted, and the enactments made therein, with an anxious desire to meet and accomplish the views of His Majesty's Government on this important, and difficult, and delicate subject, will be considered worthy of your Lordship's approbation.

To the members of the new Council of Government my warmest acknowledgments are due, for the readiness and unceasing zeal with which they have at all times entered upon the discussion of the most difficult topics connected with these new measures, the unanimity which has throughout prevailed between the Council and myself, and the facilities which they have thus afforded me in carrying (as I hope, satisfactorily) His Majesty's commands into effect.

I must respectfully claim your Lordship's indulgence for the many errors which no doubt will be apparent on the face of this Ordinance, and the want of technicality in the expression of its several provisions. The haste with which it has been framed, with a view to putting it in force a sufficient length of time, to deprive it of its novelty, and make it well understood by the Slave population before the commencement of the Christmas holidays, will, I hope, be some excuse for its errors, and the necessity there was to use popular language rather than legal phrases in framing it, so as to make it more easily intelligible to the particular persons to be affected by it, as well as to afford greater facilities to that class of persons who are required to co-operate in carrying it into effect, I trust will be a sufficient excuse for the absence of those strict legal forms and technicalities which would, under other circumstances, be desirable and necessary in a public document of so much importance.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

An Ordinance for promoting the Religious Instruction and bettering the State and Condition of the Slave Population in His Majesty's Colony of Berbice.

Note.—The part printed in italics point out the several deviations from and amendments to the Demerara Slave Code of the 7th September 1825. And also the additional clauses.

BERBICE. *Publication.*

By his Excellency Henry Beard, Esquire, Lieutenant-Governor and Commander-in-Chief in and over the Colony of Berbice and its Dependencies, &c. &c. President of all Courts and Colleges within the same, sole Judge of the Vice Admiralty Court, &c. &c. and the Honourable the Council of Government of said Colony.

To all to whom these Presents shall or may come greeting, be it known,

WHEREAS it is necessary and expedient that further provision should be made for the religious instruction of the Slaves in this Colony, and the improvement of their state and condition. And whereas His Majesty has been pleased to appoint a Protector of Slaves in this Colony, and it is expedient that the said office should be fully established, and due provision made for such Protector, and that the authority and several duties of said Protector be clearly and distinctly defined.

1.—Be it therefore, and it is hereby ordered, that such Protector of Slaves shall receive and be paid, at the times and in the manner hereinafter mentioned, a salary, at and after the rate of fourteen thousand two hundred and fifty guilders per annum out of the ordinary revenues of the Colony, subject, however, to the confirmation thereof by or such alteration therein as His Majesty may be pleased to direct. And that such Protector of Slaves entering on such office shall appear before the Lieutenant-Governor, or Acting Lieutenant-Governor, for the time being of this Colony, and in his presence shall take and subscribe an oath, in the following words:

"I, A. B. do swear that I will, to the best of my knowledge and ability, "faithfully execute and perform the duties of the office of Protector of Slaves "in the Colony of Berbice, without fear, favour, or partiality, So help me "God."

2.—And it is hereby further ordered, that the said Protector of Slaves shall establish and keep an office in New Amsterdam, and shall regularly attend at such office on such days and during such hours of the day as the Lieutenant-Governor, or Acting Lieutenant-Governor, of this Colony, by any general or special order to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings hereinafter directed to be kept by him.

3.—And it is further ordered, that the said Protector of Slaves shall not be the owner or proprietor of any plantation situate within this Colony, or of any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture; and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slave or Slaves, and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney, of, for, or upon any plantation or estate within this colony; or to act as the guardian, trustee, or executor of any person or persons having or being entitled to any such plantation, or any Slave or Slaves. And in case any such Protector of Slaves within this Colony shall have, acquire, hold, or possess, either in his own right, or in the right of his wife, or in trust for any other person or persons, any plantation situate within this Colony, or any Slave or Slaves employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or mortgage or security upon any such plantation or Slave or Slaves; or shall act as manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office; Provided nevertheless, that all acts which may be done by, or by order of any such Protector of Slaves, after such avoidance as aforesaid of such his office, and

before the same shall, by public notice in the Gazette of this Colony, be declared void, shall be as valid and effectual in the law, as if no such avoidance of office had occurred.

4.—And it is further ordered, that the said Protector of Slaves shall be resident within this Colony, and shall not quit the same without a special licence, to be granted for that purpose by His Majesty, through one of His Principal Secretaries of State, or by the Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this Colony; and no such licence shall in any case be granted by the Lieutenant-Governor, or acting Lieutenant-Governor, for any time exceeding three months, nor shall any such licence be granted by any such Lieutenant-Governor, or acting Lieutenant-Governor, as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Protector of Slaves.

5.—And it is further ordered, that upon the death or resignation of the said Protector of Slaves, or in the event of his sickness or other bodily or mental incapacity, or during his temporary absence from this Colony, it shall be lawful for the Lieutenant-Governor, or acting Lieutenant-Governor, to nominate and appoint some other fit and proper person to act as the Protector, or as the deputy for the said Protector of Slaves (as the case may be), until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said Protector of Slaves, as the Lieutenant-Governor, or acting Lieutenant-Governor, for the time being of this Colony, shall be pleased to appoint. Provided always that the person to be appointed as deputy Protector, shall, if in all other respects qualified for the office, be selected from those who are neither proprietors of Slaves, nor have any interest in Slave property; unless it be impossible to find a proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case, it shall be the duty of the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, to transmit to His Majesty's Secretary of State, a statement of the peculiar circumstances justifying the departure from the general law. Provided that the Protector of Slaves in this Colony shall at all times perform his duty in person and not by deputy, except only in cases in which the Lieutenant-Governor, or acting Lieutenant-Governor of this Colony, is hereinbefore authorised to appoint a deputy for that purpose.

6.—And it is hereby further ordered, that the said Protector, or deputy Protector of Slaves (as the case may be), shall have power to administer an oath in all matters relating to the duties of his office, and all such authority of what nature or kind soever as is now *or hereafter may be by Law vested, as regards the Slave population, in the civil Magistrates* of the several districts of this Colony, for the maintenance of the public peace and good order, shall be, and the same is hereby vested in the said Protector, *or deputy Protector of Slaves (as the case may be)*, to be by him exercised throughout each and every district of this Colony.

7.—And it is hereby further ordered, that the said *civil Magistrates* of the several districts within this Colony shall be, and they are hereby declared to be, assistant Protectors of Slaves, in their several and respective districts; and the said respective *civil Magistrates* shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Protector of Slaves, *or the deputy Protector (as the case may be)*, in the execution of the power hereby committed to him; and for that purpose to obey and carry into execution, such lawful instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

8.—And it is hereby further ordered, for the purpose of securing the impartial execution of justice in all cases in which Slaves may be parties concerned, that whenever it may become the duty of the Fiscal to institute a criminal prosecution against a Slave (which prosecution is always to be carried on as heretofore, in the same manner as against every person of free condition), it shall be his duty, when applying to the Court of *Criminal* Justice, or in non-session, to the President of said Court, for authorization to institute such

criminal action, suit, or prosecution, to demand, at the same time, the appointment of one or more advocates (according to the nature of the charge), to defend such Slave in the suit to be commenced against him, when it shall be the duty of the said Court of *criminal* Justice, or the President thereof, to whom the application is made, to appoint such advocate or advocates without any delay. Provided always that such advocate shall not be allowed to interfere in such proceedings in any other manner than what would be legal according to the Criminal Law, and the practice thereof, as it is established in the Colony, if the party accused and under trial were a person of free condition.

And in order to secure the zealous and active exertion on the part of such advocates, in the defence of such Slave or Slaves, they shall be entitled to such fees as shall have been taxed and certified by the Court of *criminal* Justice as due to them, the amount whereof shall be ordered by *the Lieutenant-Governor, or acting Lieutenant-Governor, in Council of Government,* to be paid to them out of the Colonial chest, on proper application being made for the same. *And in case, on the complaint of any Slave or Slaves, it shall appear to the President of the Court of criminal Justice of this Colony that the offence charged therein should be prosecuted, it shall and may be lawful, and the said President is hereby fully empowered to direct the prosecution thereof, in manner as is by Law established.* And, in all civil suits *concerning* the right of any alleged Slave to freedom, or where any question shall arise respecting the right of any Slave to any such property as he or she is herein-after declared competent to acquire, then, and in every such case, such notice shall be given to the Protector, or *deputy Protector of Slaves (as the case may be),* of every such action, suit, or prosecution, as according to the law of this Colony would be given to the said Slave if he or she were of free condition. *And in case the Protector, or deputy Protector of Slaves (as the case may be), in this Colony, on the application of any Slave or Slaves desirous to bring, maintain, and prosecute any action or suit, in any Court of Justice in this Colony, for, or in respect of any such claim to freedom or right of property, which he, she, or they is or are hereafter declared competent to acquire, should consider that the said Slave or Slaves have good, just, and legal grounds of suit or action in respect thereof, then, and in every such case, it shall and may be lawful for, and he the said Protector, or deputy Protector of Slaves (as the case may be), is hereby fully empowered to commence and prosecute such suit or action, in behalf of such Slave or Slaves, in manner and form as prescribed by Law with respect to persons of free condition.* And the Protector, *or deputy Protector (as the case may be),* may if he see fit, attend the trial or hearing, and all other proceedings, in every such suit or action as the Protector, or *deputy Protector (as the case may be)* of such Slave *or Slaves,* and on his, her, *or their* behalf, to act therein in such manner as may be most condusive to the benefit and advantage of any such Slave *or Slaves.*

9.—And it is hereby further ordered, that if any person or persons within this Colony shall work, or employ any Slave at any time between sunset on Saturday, and sunrise on Monday next following, or shall, during that period, procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, or of any other person or persons, the person or persons so offending shall incur and become liable to a fine of six hundred guilders for every such offence: Provided, nevertheless, that the exemption from labour, which is thus secured to the Slaves during the period before mentioned, shall not authorise them to leave the estates to which they belong without having *previously* obtained permission from their owner, manager, employer, *or other person having charge of them;* but they shall, during that period, continue to remain subject to such regulations as are established by Law, as well for their own protection, as for the preservation of good order, and the general tranquillity of the Colony. Provided also, that nothing herein contained shall extend, or be construed to extend, to prevent the weekly allowance and rations being delivered to the Slaves on Sunday morning; which *shall* not, however, be protracted beyond the hour of eight A. M. Provided also, that nothing herein contained shall extend, or be construed to extend, to any work or labour which, from local circumstances, or other *unavoidable* causes, render certain exceptions necessary, which are confined to the following:

First.—All labour performed by a Slave in the domestic service of his *or her* master or *mistress*, or in the preservation or tending of cattle, or any live stock, on any plantation.

Secondly.—Labour performed by nurses in hospitals, by watchmen, and by persons engaged in the interment of the dead.

Thirdly.—Such labour as may be necessary to prevent or remedy the damage arising from breaches in the dams, conflagrations, hurricanes, and other casualties of the like nature.

Fourthly.—Every other description of labour which, though not specified in terms in the three preceding exceptions, is of the same general nature, and referable to the same general principle.

Fifthly.—All labour undertaken for the preservation of the crops upon any estate, under the following provisions:

A.—That, in order to avoid all ambiguity in explaining the term "preservation of the crops," it is to be well understood that, on sugar estates, it shall mean nothing more than boiling off the cane juice that may have been expressed at the time of sunset on any Saturday, (the boiling, however, in no case to extend beyond the hour of ten o'clock of the night *of said Saturday*,) and the potting the sugar so made. That, on coffee and cotton estates, it shall mean, 1st, the turning and drying of coffee or cotton already housed, and in a state of preparation, but not cured; 2d, the picking of coffee or cotton during the crop, when, from its ripening suddenly, and from the unfavourable season, it would be totally lost, if not immediately picked.

B.—*And it is hereby strictly provided that the several descriptions of exigible labour above enumerated, (save and except the boiling of cane juice on the Saturday night,) are to be only performed for wages to be paid to the Slave him or herself in the currency of the Colony, and not by any parts or portions of the produce of the crops which may accrue to the proprietor from such labour.*

C.—That the rate of these wages is to be fixed by the Protector *or Deputy Protector of Slaves (as the case may be), subject to the approbation of the Lieutenant-Governor, or Acting Lieutenant-Governor in Council.* And the said Protector *or Deputy Protector of Slaves (as the case may be)*, shall from time, by notices publicly given, signify *the approved tariff*, or rate of wages, payable to the Slaves for such labour.

D.—That any person or persons being the owner or manager of such Slave or Slaves, as may thus lawfully be employed or hired, and refusing or neglecting to pay to them, for his or her own use and benefit, wages at not less than the rate so to be fixed by any public notice of the Protector, *or Deputy Protector of Slaves (as the case may be), in manner and under the authority aforesaid*, shall for every such offence *and refusal to pay every such Slave or Slaves their respective wages for such labour*, incur and become liable to a fine of fifty guilders *for every Slave so omitted or neglected to be paid wages as aforesaid.*

10.—And, in order to prevent any irregularities tending to the prejudice of the Slaves, by persons employing the Slaves of others without their owners' consent, which it is highly necessary to guard against, it is hereby further ordered, that no Slaves shall or may be lawfully hired or employed in the service of any person or persons, except his, her, *or their* owner, manager, *or other person having the charge of them*, unless with the special consent in writing of such owner or manager, or other person having the charge of them; and every person thus unlawfully hiring or employing one or any greater number of Slaves, shall, for every such offence, incur and be liable to a fine of six hundred guilders, or in case of non-payment thereof, to imprisonment not exceeding one calendar month.

11.—And whereas His Majesty has been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves in this Colony; and whereas it is in contemplation to abolish totally the usage now existing of holding markets on Sundays, as soon as the necessary measures shall have taken effect, which are designed to remove the causes of its temporary *expediency;* and it being in the mean time necessary to make some provision on the subject, it is hereby further ordered, that from and after the *first day of November next ensuing the date hereof*, the markets holden in *New Amsterdam* for the sale of meat, vegetables, and other provisions, on Sundays, and all other

markets to be holden on the Sabbath-day throughout this Colony, shall be limited to the hour of eleven o'clock in the forenoon, and that due warning shall be given, by the ringing of a bell at half past ten o'clock, to all persons to prepare to depart; and no person or persons whatsoever shall remain therein, or publicly shew forth, or expose for sale any meat, poultry, vegetables, provisions, fruit, wares, merchandize, goods, or effects, after the hour of eleven o'clock aforesaid, upon pain that every person guilty of a disobedience *of this order, or non-conformity therewith*, shall forfeit the goods or effects so exposed to sale, the proceeds whereof shall be paid into the poor's fund.

12.—And it is hereby further ordered, that from and after the first day of November *next ensuing the date of these presents*, it shall be illegal for any person or persons within this Colony to carry a whip, or any other instrument of punishment, in the field or elsewhere, either as a badge of authority, or a stimulus to labour, and every person acting against the true meaning hereof, or directing, or authorizing such illegal act, shall, *for every such offence*, incur a penalty of six hundred guilders, or in default of payment *thereof*, be subjected to imprisonment for any time not exceeding six months, nor less than one month.

13.—And it is hereby further ordered, that if a male Slave *shall commit* an offence of such a nature as to render it absolutely necessary that he be punished, such punishment must be inflicted with reason, and without cruelty or passion; the punishment to be enforced by and on behalf of the proprietor, *shall* not exceed at the utmost twenty-five lashes; nor shall it be lawful to inflict on any male Slave any corporal punishment until after sunrise of the day next following that on which the offence has been committed, for or on account of which any such punishment or correction may be so inflicted, or without the presence of one person of free condition, or of six Slaves to witness the infliction of such punishment, other than and besides the person by and by the authority of whom the said punishment shall be inflicted, under the penalty of nine hundred guilders, or, in case of non-payment, to imprisonment not exceeding three calendar months; but in case six Slaves are substituted as witnesses for one person of free condition, it shall be incumbent on the person or persons ordering the punishment to prove, if required so to do, that it was not on his *or her* power to procure the attendance within twenty-four hours of a person of free condition *to witness the said punishment.* No punishment *by flogging* shall be inflicted but at or near the buildings of the estate, nor shall it be repeated on the same day, nor until the delinquent shall have fully recovered *from* the effects of any former punishment. Provided, nevertheless, that nothing herein contained shall extend or be construed to extend to any punishment which may be inflicted on any Slave under or by virtue of any sentence or judgment of any Court of competent jurisdiction within this Colony, or in pursuance of any order of the Fiscal.

14.—And it is hereby further ordered, *that from and after the first day of November next*, it shall not be lawful to correct or punish by flogging or whipping any female Slave within this Colony, for any offence committed, or alleged to be committed, by any such Slave; and any person convicted of having inflicted such punishment, or having ordered or authorised the same to be done shall for *every such offence* be subject to a fine of fourteen hundred guilders; or, in case of non-payment thereof, to imprisonment, not exceeding six calendar months, nor less than one month. And whereas it is necessary that effectual measures should be adopted for punishing such offences as may hereafter be committed by female Slaves within this Colony, it is therefore further ordered, that from and after the said *first day of November next*, the following punishments for the suppression of such offences as may thereafter be committed by female Slaves within this Colony, which by the laws in force were heretofore punishable by flogging, shall be, and are hereby declared to be lawful:

Solitary confinement, with or without work, in any fit and proper place, on any estate, or in any place in this Colony, provided that such place be approved by some duly licensed medical practitioner in this Colony, by certificate in writing under his hand; such certificate to be duly entered in the Record Book on any plantation, if in the country, and if in town, by some duly licensed medical practitioner and the Fiscal, and to be duly recorded in the office of the said Fiscal. And provided that for each offence the period of

detention in such solitary confinement shall not at any time exceed three days.

Public Stocks, for the confinement of hands or feet, or both, during the day, not longer than three hours for each offence; such stocks to be under cover in some conspicuous place near the buildings; and that such punishment shall only be inflicted between the hours of sun-rise and sun-set.

House stocks for the hands and feet, or either of them, with seats, during any period of the day; provided that for each offence the period of confinement shall not exceed six hours.

Bed stocks, for confinement of the feet during the night.

Handcuffs.

Distinguishing dresses to be used either with or without the stocks.

Distinguishing marks, to be suspended from the neck by collars, and secured by padlocks; the collars and marks to be made of tin, *very light, so as not to injure the skin,* and to be of a form approved by *the Fiscal, and confirmed by the Lieutenant-Governor, or Acting Lieutenant-Governor.*

Confinement, either solitary or otherwise, during one of the hours of noon, with or without task work during such confinement; provided always, and it is hereby ordered, that in all cases of punishment, either solitary or otherwise, where such confinement shall exceed the period of twelve hours, the Slave in confinement shall be supplied with a sufficient quantity *of food, that is to say, three quarters of a pound of plantains, or other prepared farinaceous food, at least twice a day, between sun-rise and sun-set, as also a proper supply of good water.*

And it is hereby ordered and declared, that in all cases where it shall seem proper to any owner, manager, *or other person having charge of Slaves,* to impose any or either of the foregoing punishments upon any male Slave or Slaves, for any offences to be hereafter committed by such male Slave or Slaves, in lieu of the punishment by flogging, it shall be lawful for such owner, manager, *or other person as aforesaid,* so to do, complying in all respects with the provisions aforesaid. Provided, however, that nothing herein contained *shall extend,* or be construed to extend, to prevent any master or *mistress,* owner, manager, *or other person having charge* of any female Slave under the age of *twelve* years, *from* causing her to be punished and corrected for any fault or misconduct by her committed, in such and the same manner, and to such and the same extent, as any child of free condition may be and usually is punished and corrected in any school for the education of youth in this Colony; *being mindful that in all cases such punishment shall be inflicted by a female, and any indecent exposure of the person avoided.*

And it is hereby further ordered, that if any offence *shall be* hereafter committed by any male or female Slave in this Colony, of such nature and *to* such extent as (in the opinion of his or her owner, or of any person under whose charge such Slave may be placed) *may* require *or deserve* greater punishment and correction than such owner or person is empowered to inflict, such owner or person shall, in writing, give information in such case *to one of the civil Magistrates of the district in which such person or persons may reside,* whose duty it shall be, after a *minute and full* investigation of the complaint, to impose such punishment on the accused as may appear commensurate with the offence, by an extension of some one or other of the modes of punishment hereinbefore provided, or otherwise to proceed according to the existing laws of the Colony.

15. And it is hereby further ordered, that there shall be kept by every person, having charge of a task or working gang of Slaves, exceeding six in number, and upon every estate throughout the Colony, a book, to be called the "Punishment Record Book;" and it shall be the duty of the owner, proprietor, manager, or other person having the direction thereof, to enter and record in the said book, at or within forty-eight hours after time of the infliction of any punishment whatsoever on any female Slave, or on any male Slave, a statement of the nature of the offence, and the time and place at which each punishment *shall have been* inflicted, together with the names of the persons by whom and by whose authority each punishment *has been* inflicted, *and in case of the corporal punishment of any male Slave,* the names of the free person or persons, or the six Slaves present and attending at the infliction of every such punishment, and of the number of stripes actually inflicted on the offender; *and if*

any owner, proprietor, manager, or other person having the direction of any estate, or task or working gang of Slaves, exceeding six in number, within this Colony, shall neglect or omit to make, in the said Punishment Record Book, any entry which, according to the provisions of this present order, ought to be made therein, or shall not make such entry within *forty-eight hours* next after the infliction of every and each punishment to which the same may refer, the person *or persons* so offending shall incur and become liable to a penalty of three hundred guilders. And if any person or persons shall wilfully or fraudulently make or cause to be made any false entry or fraudulent erasure in any such Punishment Record Book, or shall wilfully or fraudulently burn, destroy, cancel, *deface*, obliterate, *or falsify* the same, or any part or parts thereof, the person or persons so offending shall for *every such offence* incur and become liable to a penalty of three hundred guilders, or, in case of non-payment thereof, to imprisonment not exceeding three months. *Such Punishment Record Book to be kept in manner and form following :*

Punishment Record Book of belonging to situate in and having a number of Slaves.

Date of Entry.	Name of Slave.	Nature of Offence.	Time and Place of Punishment.			By whose Authority.	By whom inflicted.	Witnesses.	Nature and Extent of Punishment, if a Female.	Extent of Punishment, if a Male.

16.—And it is hereby further ordered, that every person having charge of a task or working gang of Slaves exceeding six in number, and every owner, proprietor, manager, or other person having the direction of each and every plantation or estate within this colony, shall, on some day between the first and fifteenth day of the month of January, and the first and fifteenth day of the month of July in each year, repair *to the civil Magistrate acting in his capacity of Assistant Protector of Slaves* for the time being of the district in which such plantation or estate may be situate, or in which such *owner, proprietor, manager, or other person as aforesaid may be resident*, and then and there produce before *such civil Magistrate as aforesaid*, a precise and exact transcript of every entry which during *the period next* preceding *the first day of the month of January, and the first day of the month of July respectively*, may have been made in *such* Punishment Record Book of his or her task or working gang, plantation, or estate, and shall also take and subscribe an oath, to be annexed to the said transcript in the following words :

" I, A. B., the owner or manager of the task or working gang (as the case " may be), called in the district of in the " colony of Berbice, do make oath and say that the paper-writing hereunto " annexed, contains a true and exact copy of evero entry which since the " day of last hath been made in the Punishment Record " Book, of the before mentioned plantation, task, or working gang; and I do " further swear that the said Punishment Record Book hath been punctually " and accurately kept, since the day of in the " manner by law required, and that no fraudulent erasure or false entry hath " been made therein by me, or by any person by my procurement, or with " my knowledge or consent.—So help me God."

And in case any such owner or manager, *or other person as aforesaid*, shall not since the time of making his last preceding return to the said *civil Magistrate* of the district, have inflicted, or cause to be inflicted, any punishment upon any female Slave, or any punishment on any male Slave, then, and in every such case, in lieu of the oath aforesaid, such owner, manager, *or other person as aforesaid*, shall, at the several times aforesaid, take and subscribe before the *civil Magistrate* of the district in which such plantation may be situate, or task or working gang be then employed, an oath in the following words; that is to say :

"I, A. B. do swear, that since the day of now "last past, no punishment hath been inflicted by me, or by my order, or with "my knowledge, upon any female Slave belonging or attached to the task "or working gang, or to the plantation called situate in the "district of whereof I am manager (as the case may be); and "that no punishment hath, since the said day of "been inflicted on any male Slave, belonging or attached to the said task or "working gang or plantation. And I do further swear that no entry of any "punishment hath, since the said day of been made "in the Punishment Record Book of the said gang or plantation, *by me, or* "*with my knowledge or consent.*—So help me God."

And any person or persons as aforesaid refusing or neglecting to make any such return, or to take and subscribe the oath required by this present Act, shall for *every offence* incur and become liable to a fine of three hundred guilders. And the *civil Magistrates* as such Assistant Protectors of Slaves *as aforesaid*, are hereby authorised and empowered to administer the said oaths accordingly.

17.—And it is hereby further ordered, that the Assistant Protector of Slaves of each district in this colony, shall transmit to the Protector, *or Deputy Protector of Slaves (as the case may be)*, at his office in *New Amsterdam*, within the months of February and August in each year, the whole of the returns so made to him, together with the original affidavits thereunto annexed. And in case any such Assistant Protector of Slaves shall himself be the owner or manager of any estate, or gang of negroes, exceeding *six in number*, he shall, together with the said returns, transmit to the said Protector, *or Deputy Protector of Slaves (as the case may be)*, a transcript of the entries in his own Punishment Record Book for the last six months, together with an affidavit to be by him sworn before the Protector, *or Deputy Protector (as the case may be)*, or some other Assistant Protector of Slaves, in the manner and form, and under the penalty prescribed by the foregoing article.

18.—And it is hereby further ordered, that the said Protector *or Deputy Protector of Slaves (as the case may be)*, shall enter and record in one book, or set of books duly paged and indexed, to be by him kept for that purpose, the whole of the returns so made to him, and shall keep and preserve in his office the originals of the said returns and affidavits.

19.—And be it further ordered, that any persons being in a state of slavery, and being the property of the same owner, who may be desirous to intermarry, shall at their election apply either to the Protector *or Deputy Protector (as the case may be)*, or the Assistant Protector of Slaves of the district in which they may reside, for a marriage licence; and as an authority to him to grant the same, shall produce the consent in writing of the owner *of such Slaves*, or his *or her* representative to the celebration thereof. But in case such owner, or his *or her* representative shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof, as aforesaid, then, and in every such case, the said Protector, *or Deputy Protector of Slaves*, or Assistant Protector of Slaves (as the case may be), shall thereupon issue a summons under his hand, requiring such owner, or his *or her* representative to appear before him by himself *or herself*, or his *or her* agent, at some convenient time *and* place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such applications as aforesaid shall be received by such Protector, *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, as aforesaid; and if such owner or representative as aforesaid, being duly cited, shall fail to appear, by himself *or herself*, or his *or her* agent, before the said Protector *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said Slaves, then, and in every such case, the said Protector, *or Deputy Protector of Slaves (as the case may be)*, or Assistant Protector of Slaves, shall, without fee or reward, issue a licence under his hand, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, *or Lutheran church*, or of the kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any licensed teacher of religion within

this Colony, carrying on no other profession, business, or occupation of profit *save and except the occupation of a schoolmaster*, to solemnibe the marriage of the said Slaves; and such marriage when so solemnized, shall be held and considered binding, valid, and effectual in law. Provided, nevertheless, that such marriages shall not confer on the parties or their issue any rights inconsistent with the duties which Slaves owe to their owners or to the Government, or at variance with those rights which the owners or the Government are by law entitled to assert over the Slaves and their progeny, or subject such Slaves so intermarrying to any penal infliction, the effects of which might destroy the rights, or injure the property of their owners.

20.—And it shall and may be lawful for any clergyman of the Established Church of England and Ireland, or any minister of the Dutch reformed church, *or Lutheran church*, or of the kirk of Scotland, or for any priest or curate of the Roman Catholic religion, or any licensed teacher of religion, upon receiving the permission in writing of the owner or owners (or their attornies), of any such Slaves wishing to intermarry, or the licence of such Protector, *or Deputy Protector (as the case may be)*, or Assistant Protector of Slaves, to solemnize such marriage; and every person by whom such marriage may be solemnized shall register in a book to be by him kept for that purpose, every such marriage, with the date thereof, and the names, ages, and places of abode of the parties contracting, *and the proprietors or estates to whom or which they respectively belong*.

21.—And it is further ordered, that every female Slave who *shall* have a child while she preserves her fidelity in marriage, or reputed marriage, or is reputed to do so, shall, six weeks after the birth of such child, if the said child be then living, be entitled to receive from her owner, or his *or her* attorney, twelve guilders, and fifteen guilders for every other child she shall thereafter bear and have under the same circumstances; and if any owner or attorney shall omit in any respect to comply with and fulfil the directions of this Clause, he *or she* shall incur a penalty of three hundred guilders for every such offence. And it is further ordered, that as soon as any female Slave shall have six children living, and who have been born during marriage or such cohabitation as aforesaid, with reputed fidelity, the youngest of which children shall be seven years of age, the owner or manager of such female Slave shall not thereafter oblige such female Slave to do any labour in the field, or any other than light work, under a penalty of three hundred guilders *for every offence*.

22.—Every planter or proprietor of Slaves shall take the necessary precaution that his *or her* Slaves be properly supplied with provisions, and shall therefore be obliged to have provision grounds prepared on the estates and properly planted, calculating one acre *for every* five negroes, under a penalty of ninety guilders *for every acre less in provisions than hereby required;* allowing, moreover, a reasonable weekly allowance, according to the custom of the Colony, and as may be best obtained, *under a penalty of one hundred and fifty guilders for every Slave who may not have been duly provided with his or her allowance;* and also *shall* provide such Slave *or Slaves* with proper clothing, *according to the custom of the Colony, under a penalty of one hundred and fifty guilders for every Slave not duly provided with his or her clothing:* Provided always, that whenever the provision grounds to be upon the estate shall be found inadequate to furnish the requisite provisions for the due subsistence of the Negroes *thereon, then and in such case it shall not be compulsory on such proprietor, or his or her representative, to cultivate or keep up such provision grounds as aforesaid, but such proprietor, or his or her representative, shall, in lieu thereof,* purchase, or otherwise procure such an equivalent supply of provisions, as may be proper for their support.

23.—And be it further ordered, that the hours for field-work of Slaves shall be from six o'clock in the morning until six in the evening, and not longer, and that two hours shall be allowed them during that period for rest and meals, under a penalty of three hundred guilders.

24.—And it is further ordered, that every proprietor of Slaves, or his or her attorney, shall employ a legally qualified medical practitioner, *duly authorized to practice, by a certificate from the Lieutenant-Governor, or acting Lieutenant-Governor,* to attend their sick Slaves, and shall provide such medicines,

food, and other necessaries as such medical practitioner shall from time to time reasonably order and direct; and that there shall be on every estate a place where the Slaves, *other than domestic Slaves* usually reside, a commodious hospital or sick-house, furnished with proper conveniences, and attendants for the sick, under a penalty of six hundred guilders; and that a book or register shall be kept in every such hospital, in which the names and treatment of all such Slaves shall be respectively entered by the medical attendant; *and in case any such medical attendant shall omit or refuse to make such entries as aforesaid from time to time, he shall incur a fine of twenty-two guilders for each and every such offence.*

25.—And it is further ordered, that no person shall, under a penalty of five hundred guilders, bury, or allow to be buried, any Slave who has died suddenly or under suspicious circumstances, or shortly after punishment, or who has committed suicide, until previous information be given, if in *New Amsterdam*, at the office of the Fiscal, or if in the country, until such information be sent to the *civil Magistrate* of the district *in which such death took place*, or if this be impracticable, to some other respectable inhabitant; who shall, with some legally qualified medical practitioner, attend for the purpose of inspecting and examining the corpse, and send a certificate of the result of such examination to the *civil Magistrate* of the said district, *or if it sohuld happen, as it possibly may, in particular cases of death under peculiar local or other circumstances, that it is impracticable to obtain either of the certificates above mentioned, then and in every such case some other proof equally strong and satisfactory, or the best which the nature and incidents of the case can afford, must be produced to the said civil Magistrate in support thereof; the person offering such proof to verify by oath the circumstances which put it out of his or her power to procure one or other of the certificates as above directed, and in every such case the said civil Magistrates shall forthwith trasmit unto the Fiscal the said certificates, and other the proof hereinbefore required.*

26.—And be it further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of the Court of Justice within this Colony, to seize and sell in satisfaction thereof any Slave known or asserting to have a husband or wife, or reputed husband or wife, or child under the age of sixteen years, who may be the property of the same person or persons, unless such husband or wife, or reputed husband or wife, or child as aforesaid, shall be sold together, and in one and the same lot, to the same person or persons; and in order to prevent any such separation taking place, it is hereby further ordered, that the Marshal, and sworn clerk attending the Marshal, when levying execution, shall, in their return, certify that before levying execution on any single Slave, they have carefully inquired from the Slave, if a male, whether he has a wife or reputed wife, or child under the age of sixteen years; and if a female, whether she has a husband or reputed husband, or child as aforesaid, belonging to the same person or persons; and in case either he or she should declare to have a wife or husband, or reputed wife or husband, or child as aforesaid, the Marshal shall be then bound to levy on them together; provided, however, that a Slave thus asserting to have a husband or wife, or reputed husband or wife, or child as aforesaid, belonging to the same owner, shall be bound to prove the truth of his or her assertion, either by the evidence of the owner, manager, or overseer on the plantation where the execution *shall be* levied, or by the evidence of the other Slaves belonging to the same estate or plantation, or person or persons; and in case the assertion *be* supported by the evidence of Slaves only, but contradicted by that of the owner, manager, or overseer, or all of them, so as to render the case doubtful, or if the Marshal under any circumstance entertain a doubt, it shall then be lawful for him to levy on the single Slave given up in execution, and provisionally on the alleged family of the said Slave, and it shall then be his duty to make a full report of his proceedings in his return, a copy of which he is to deliver, or cause to be delivered, to the Protector *or Deputy Protector of Slaves, as the case may be*, who shall with all diligence inquire into the circumstances of the case, and decide thereon with strict impartiality and justice, and whatever decision shall be given by the Protector *or Deputy Protector of Slaves thereon*, shall be the rule for the Marshal completing the levy and sale. And in case the single Slave thus taken in

execution shall, when such levy and execution take place, declare not to have a husband or wife, or reputed husband or wife, or child as aforesaid, or shall remain silent on the subject, then and in every such case it shall be lawful for the Marshal to proceed with the sale of the single Slave thus taken in execution, and the sale is hereby declared absolutely valid in the Law to all intents and purposes whatever. And in order to facilitate such investigation, the proprietor, manager, *or other person having charge* of such estate as aforesaid, is hereby directed to keep *an accurate and complete* record of all married or reputed married persons *on such* estate, and also of the children respectively proceeding therefrom, *which shall be forthwith transmitted to the Protector or Deputy Protector of Slaves, as the case may be, at his office in New Amsterdam, whenever required so to be transmitted by such Protector or Deputy Protector of Slaves as aforesaid, for the purpose of facilitating such investigation as aforesaid, under penalty for not duly keeping such record as aforesaid of the sum of five hundred guilders for every such offence, and also under a penalty of five hundred guilders for refusing or omitting to transmit such record as aforesaid, for such purpose as aforesaid, to such Protector or Deputy Protector of Slaves as aforesaid, whenever required by him so to do.*

27.—And whereas, by the usage of this Colony, persons in a state of slavery have hitherto been permitted to acquire, hold, and enjoy property free from control, and it is expedient that the said custom should be recognised, and, as far as need be, established by Law—and that provision should be made for enabling Slaves to invest such their property on good security; be it therefore, and it is hereby ordered and declared, that no person in this Colony, being in a state of slavery, shall be, and be deemed or be taken to be, by or on account of such his condition, incompetent to purchase, acquire, or possess, hold, enjoy, alienate, or dispose of property, but every such Slave shall be, and is hereby declared competent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of *Lands situate in this Colony*, money, cattle, implements, or utensils of husbandry, or household furniture, or other effects of such like nature, by him, her, or them, honestly and lawfully acquired or held, save and except firearms, amunition, and such Colonial produce as is prohibited to be sold or bartered by the existing law: Provided always, that it shall not be lawful for any Slave to hold, or keep upon the land *of his* or her owner, or that of any proprietor, any stock or animals, unless with the consent of snch owner or proprietor; and in case any Slave or Slaves having such stock, and being warned to remove such stock or animals, should refuse or neglect to remove the same, it shall be lawful for the owner, or other person having charge of such plantation or estate, to destroy the same, or cause it *to be destroyed* by others. And if any white or free person in this Colony, shall purchase from any Slave *any land* or article in which such Slave shall or may have *legally* acquired a right of property, and shall refuse to pay for the same, it shall and may be lawful for the owner of such Slave, or the Protector, or *Deputy Protector of Slaves (as the case may be)*, to have and maintain an action in his or her own name or quality, for the recovery of the price, or the value of the *said land* or article, so purchased in like manner, as if the same had been purchased from himself or herself, *or such Protector, or Deputy Protector of Slaves (as the case may be)*, and the Court in its sentence shall decree for the plaintiff for the use of the Slave, if he or she shall be proved to have been so defrauded; and if any owner in this Colony shall, unjustly, withhold from any Slave under his or her direction any sum of money which shall have been so decreed by the Court to the use of such Slave, or shall on any occasion unjustly appropriate to his or her own use any *land*, money, or property of any kind, which such Slave shall or may have so lawfully acquired, or shall prevent him *or her from disposing of* the same, *or if any other person whomsoever* shall molest or disturb any such Slave in the possession or free use and enjoyment of any *land*, money, or property, so lawfully acquired by such Slave, such owner, *or such other person*, shall, upon conviction thereof, be liable to restore to the said slave the *land*, money, or property, so unjustly appropriated to his or her own use, and be further liable to fine or imprisonment, or both, at the discretion of the Court. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to affect, or prejudice the right of property which*

the proprietor or owner legally has, in or to his Slave or Slaves; and his, her, or their services shall in no manner be alienated, diminished, or deteriorated, by the possession of any land or other property as aforesaid, which any such Slave or Slaves may by virtue hereof legally acquire, but such land or other property, so acquired by such Slave or Slaves, as aforesaid, shall alone be considered and remain liable to and for any debt or debts of whatsoever nature or kind, which such Slave or Slaves may at any time incur for, or in respect of, any such land or other property, as aforesaid; and the person or persons of the said Slave or Slaves shall be for ever freed, and discharged from all liability, for or on account of any such debt or debts.

28.—And it is hereby further ordered, that a Savings Bank shall be established in this Colony for the better preserving the property of any Slaves therein; and that interest, at the average rate of Government funded security, be allowed upon any sum of money which may be deposited in any such Savings Bank, under the condition that the sum or sums is or are to remain for one twelve-month. And any Slave making any deposit of money in such Savings Bank, shall bequeath the said money to whomsoever he or she may please, in case of his or her death, by a declaration to be lodged in the records of the bank; which declaration shall be equivalent to a will:—The whole, however, to be subject to such rules and regulations as may be hereafter deemed advisable. Such Savings Bank to be under the immediate direction of the Protector, *or Deputy Protector of Slaves (as the case may be)*, subject to the general superintendance of the Lieutenant-Governor, *or acting Lieutenant-Governor, and Council of Government.*

29.—And it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall hereafter be paid, or be payable, for or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission. And if any person within this Colony shall hereafter take, demand, or receive any tax, duty, impost, or free of office, for any *such deed of manumission, or the enrolment thereof, as aforesaid;* the person so offending, shall incur and become liable to the payment of a fine not exceeding one thousand, nor less than one hundred, guilders.

30.—And it is hereby ordered, that in case the owner or owners of any Slave or Slaves shall be desirous to manumit any such Slave or Slaves, it shall be his *or her* duty to apply to the Protector, *or Deputy Protector of Slaves (as the case may be)*, and give him notice in writing of such intended manumission, and it shall thereupon be the duty of the Protector, *or Deputy Protector of Slaves (as the case may be)*, to inquire into the circumstances of such Slave or Slaves, as to his her, or their age, mental or bodily infirmity; and if it shall appear to the Protector, *or Deputy Protector of Slaves (as the case may be)*, that the Slave or Slaves proposed to be manumitted, is or are likely to become a burthen on the public, he is then to regulate the amount of security, or of the deposit which is to be given or made by such owner or owners, at whose option it shall be, whether *he, she,* or they prefer to make a deposit in money, or give security for the same; and in case of security being given, it shall be the duty of the Protector, *or Deputy Protector of Slaves (as the case may be)*, to take care that the same be full and sufficient for the intended purpose; and if a deposit of money *be* made, such money shall immediately be placed in the hands of the Treasurer of the poor's fund, who shall give a receipt for the same to the owner, and be accountable for the same in like manner as in all other matters relating to his office as Treasurer of the poor's fund; and in order to prevent the possibility of any fraud being committed by persons attempting to manumit Slaves not *bonâ fide* their property, or of whom no valid or effectual manumission can be effected by reason of any mortgage, settlement, lease, or other charge upon or interest in such Slave being vested in any other person or persons—it is hereby further ordered, that on application as before mentioned, being made to the Protector, *or Deputy Protector of Slaves (as the case may be)*, he shall give public notice thereof, in the same manner as has heretofore been done by the Secretary of this Colony, for the purpose of enabling any person having, or pretending to have, a right to oppose such manumission; and if any such opposition shall be made, the merits thereof are to be tried *de plano* before the Court of *civil* Justice, and the Slave

whose manumission is thus opposed, shall be defended in such action by his *or her* owner, or the Protector, *or Deputy Protector of Slaves (as the case may be)*, or by both of them, and the Decree given by the Court of Civil Justice shall be binding on the parties without any appeal; and in case no opposition be made against such intended manumission, the owner or owners voluntarily effecting such manumission shall execute a proper deed of manumission, and the same shall in all cases be executed in the presence of the said Protector, *or Deputy Protector of Slaves (as the case may be)*, or two proper witnesses, to be by him appointed for that purpose, and being so executed, shall, by such Protector, or Deputy Protector of Slaves, be enrolled in the Secretary's office of this Colony within one calendar month next after the date and execution thereof; and in case any such Deed shall not be left for enrolment at the said Secretary's office within the said period of one calendar month, the said Protector, *or Deputy Protector of Slaves (as the case may be)*, shall incur and become liable to the payment of a fine of five hundred guilders, on proof of the neglect being made to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being; and after the enrolment has taken place, the said original deed of manumission shall be delivered to the said Slave, and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes.

Compulsory manumissions.

Note.—This is the 29th Clause of the Trinidad Order in Council, with some amendments made thereto.

31.—And it is hereby further ordered, that in case any Slave within this Colony shall be desirous to purchase the freedom of himself, *herself*, or of his or her wife, or husband, or child, or brother, or sister, or reputed husband, or wife, or child, or brother, or sister, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself *or herself*, or of any such other person as aforesaid; and if the owner or proprietor of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such Slave; or if the owner or proprietor, or any other person having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such Slave shall be absent from, *and have no attorney or representative in this Colony*, or shall not be known; or if any suit or action shall be depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his *or her* services, shall or may be in controversy; or if the owner of any such Slave, *or his or her attorney or representative*, shall demand as the price of his or her freedom a greater sum of money than may be the fair and just value thereof, then, and in each and every the cases aforesaid, *the President of the Courts of Criminal and Civil Justice of this* Colony shall, on application to him for that purpose, made by the Protector, *or Deputy Protector of Slaves (as the case may be)*, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be, to appear before him by themselves or their agents, at some convenient time and place, *to be by him the said President* for that purpose appointed; and notice shall also be published by the said Protector, *or Deputy Protector of Slaves (as the case may be)* in the Public Gazette of this Colony, *for the period of one calendar month*, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the guardians, attornies, trustees, or executors of any persons, shall be required to attend and prefer such claims.

Note.—This is the 30th Clause of the Trinidad Order in Council, with amendments thereto.

32.—And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, *the President of the Courts of Criminal and Civil Justice of this Colony*, in the presence of the Protector, *or Deputy Protector of Slaves (as the case may be)*, and also in the presence of the owner, *attorney*, manager, *or other person having the charge of the Slave or Slaves* proposed to be manumitted; or upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner, *attorney*, manager, *or other person having charge as aforesaid*, shall proceed to hear, in a summary way, what may be alleged by the said Protector, *or Deputy Protector of Slaves (as the case may be)*, and by the owner, *attorney*, manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them,

shall refuse to effect any such manumission, or if it shall appear to the *said President* that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the *said President* that the owner or proprietor of any such Slave, or that any person having any charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her, is absent from *the Colony, and has no representative or attorney therein*, or is unknown, or cannot be found, or that any suit or action is depending in any Court of Justice in this Colony, wherein the title to the said Slave, or the right to his *or her* services, is in controversy; or if it shall appear to the *said President* that any difference of opinion exists between the Protector, *or Deputy Protector of Slaves (as the case may be)*, and the owner or proprietor, *or other person having the charge of any such Slave*, respecting his or her price or value, then, and in every such case, the *said President* shall require the Protector, *or Deputy Protector of Slaves (as the case may be)*, and the owner, manager, or person having the direction of any such Slave, *or interest therein as aforesaid*, each to nominate an appraiser of his or her value; and the *said President* shall himself nominate an umpire between such appraisers. And the said appraisers, being first duly sworn before the *said President to make a fair and impartial appraisement, not only with reference to the physical strength of the Slave proposed to be manumitted, and his or her mental acquirements, but also with reference to the absolute value of such Slave to his or her owner, and the loss which such owner would sustain by the loss of the services of such Slave*, shall, within seven days next after such their appointment, make a joint valuation of the Slave *or Slaves* proposed to be manumitted, *including in such valuation any expences necessarily attendant on such appraisement*, and shall certify such their valuation to the *President*, under their hands and seals. And in case such joint certificate shall not be delivered to the *said President* within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall within the next seven days certify his valuation, under his hand and seal, to the said President. And the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of the *Secretary and Registrar of this Colony*.

33.—And it is hereby further ordered, that upon payment to the *Secretary and Registrar of this Colony* of the appraised value of any such Slave as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the *said President*, the said *Secretary and Registrar* shall grant to the Protector *or Deputy Protector of Slaves (as the case may be)* a receipt for the money so to be received by him, and such receipt shall be duly enrolled in the office of the *said Secretary and Registrar*, together with a declaration, under the hand and seal of the *said President*, that the proceedings required by law for the manumission of the Slave by or on behalf of whom such money was paid, had been duly had before him; and thereupon such Slave shall be, and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

Note.—This is the 31st Clause of the Trinidad Order, with local alterations.

34.—And it is further ordered, that the money to arise from the manumission of any Slave *or Slaves, by virtue of the proceedings before mentioned, shall be forthwith paid by the said Secretary and Registrar to the owner, manager, or other person having had the charge and direction of any such Slave or Slaves manumitted as aforesaid, without any deduction or abatement therefrom on any account whatsoever; provided it appear, by a certificate under the hand and seal of the Protector or Deputy Protector of Slaves (as the case may be), that after one month's notice in the Gazette of this Colony, as prescribed in Article* 31, *no person appeared to prefer any claim to or interest in the Slave proposed to be manumitted, either in his or her own right, or as the guardian, attorney, trustee, or executor of any other person, pursuant to such notice; otherwise the money to arise as aforesaid* shall and may be laid out and invested, under the authority of the *President of the Courts of Criminal and Civil Justice*, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the *Secretary and Registrar of this Colony*, and the Slave or Slaves so to

Note.—This is the 32d Clause of the Trinidad Order in Council, with additions and restrictions upon compulsory manumissions.

be purchased with the said money as aforesaid; or in case of no such purchase being made, then the said money in the hands of the said *Secretary and Registrar* shall be the property of the persons who were the *owners* or proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission. And the *said Secretary and Registrar* shall hold the said money, subject to such order as the *President of the Courts of Criminal and Civil Justice of this Colony* may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the *said Secretary and Registrar*, be paid, applied, and disposed of, in pursuance of and in obedience to any such order. *Provided always, that nothing hereinbefore contained shall extend, or be construed to extend, to entitle any Slave or Slaves within this Colony to purchase the freedom of himself, herself, or themselves, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister, without the consent of his, her, or their owner or owners, unless it shall be made to appear, to the satisfaction of the Protector or Deputy Protector of Slaves (as the case may be), that the money wherewith such Slave or Slaves may propose to purchase his, her, or their freedom as aforesaid, arises from the earnings of his, her, or their own honest industry, or has been bequeathed unto him, her, or them, by last will or testament, or acquired by legal or testamentary succession; and also, that sufficient proof has been exhibited unto him, the said Protector or Deputy Protector of Slaves (as the case may be), that such Slave or Slaves has or have conducted himself, herself, or themselves, honestly and faithfully for the period of five years then next preceding such application for manumission. And provided also, that nothing hereinbefore contained shall extend or be construed to extend to entitle any such Slave or Slaves to purchase his, her, or their freedom as aforesaid, where the Slave or Slaves proposed to be manumitted shall have been convicted of larceny, or shall have suffered corporal punishment under the sentence of any court of competent jurisdiction, within the period of seven years next preceding his, her, or their application for manumission, as aforesaid.*

Restrictions.

35.—And it is hereby further ordered, that every Clergyman of the Established Church of England and Ireland, and every Minister of the Dutch Reformed Church, *and Lutheran Church*, and of the Kirk of Scotland, and every Priest or Minister professing the Roman Catholic religion in this Colony, and every other person being a licensed teacher of religion within this Colony shall, and is hereby authorised *and required* to deliver *or transmit* to the Protector *or Deputy Protector of Slaves (as the case may be,) at his office in New Amsterdam*, or to the Assistant Protectors of Slaves of the districts in which *they* may be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and the said Protector *or Deputy Protector*, and Assistant Protectors of Slaves *in* the several districts of the Colony, shall and are hereby required to register the same in a book to be kept by *him or* them for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may *have* been granted, and of every Slave mentioned and included therein; Provided nevertheless, that no Priest, or Minister, or Licensed Teacher of Religion, not being a Clergyman of the Church of England and Ireland, or Minister of the Dutch Reformed Church, or *Lutheran Church*, or of the Kirk of Scotland, or of the Roman Catholic religion, shall be competent to grant any such certificate as aforesaid, unless His Majesty's Principal Secretary of State for the Colonies, *or the Lieutenant-Governor, or acting Lieutenant-Governor* for the time being of this Colony, shall have granted to such Priest, Minister, or Licensed Teacher, a licence in writing to act as an Instructor of Slaves in this Colony; and unless such licence shall be in force, and have been first registered at the office of the said Protector *or Deputy Protector of Slaves (as the case may be)*. Provided always that nothing herein contained shall extend, or be construed to extend, to prevent or abridge the undoubted power of the Lieutenant-Governor

or acting Lieutenant-Governor for the time being, to suspend or take away any such licence until His Majesty's pleasure shall be known.

36.—And it is further ordered, that no person shall be *henceforth* rejected as a witness, or considered to be incompetent to give evidence in any Court of Criminal or Civil Justice in this Colony, by reason of his or her being in a state of Slavery, if the person or persons producing or tendering him or her as a witness, shall produce and exhibit to the Court a certificate under the hand of the said Protector, *or Deputy Protector (as the case may be)*, that such proposed witness is registered in the before mentioned book; and the said Protector, *or Deputy Protector (as the case may be)*, shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book. Provided *nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any case, where any white or other person of free condition may be charged with or prosecuted for any offence punishable with death. Provided always, that nothing herein contained shall extend to take away or diminish any power or authority which the Court of Criminal Justice of this Colony now hath to admit, in any case, the evidence of persons being in a state of slavery.* Provided also, that nothing herein contained shall extend, or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition.

37.—And it is hereby further ordered, that the salary of the Protector, *or Deputy Protector of Slaves (as the case may be)*, shall by him be taken in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if the said Protector, *or Deputy Protector of Slaves (as the case may be)*, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38.—And it is hereby further ordered, that the said Protector, *or Deputy Protector of Slaves (as the case may be), shall, on the first day of January* 1827, *and on the first day of March and first day of September in the same year, and on the first day of March and first day of September in every succeeding year*, deliver to the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, particulars of all returns which by virtue of this order may have been made to him by the Assistant Protectors of Slaves in the several districts of the Colony, with a report in writing, exhibiting an exact account of the manner in which the duties of his office shall have been performed during the periods respectively embraced by these returns, and especially stating the number of actions, suits, and prosecutions in which he may have acted as the Protector, *or Deputy Protector (as the case may be)*, of any such Slave or Slaves during the said periods respectively, with the dates and effect of all the proceedings therein, and the names of the persons (if any) against whom he may have instituted any criminal prosecution, *or have instituted any suits or actions at Law in any of the respective Courts of Justice in this Colony, for or on behalf of any Slave or Slaves* under and by virtue of this order, together with the amount of the sums of money deposited in the Savings Bank in this Colony; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall thereupon administer to the said Protector, *or Deputy Protector of Slaves (as the case may be)* an oath that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Protector, *or Deputy Protector of Slaves (as the case may be)*, shall have made his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Lieutenant-Governor, or acting Lieutenant-Governor, shall issue to the said Protector, *or Deputy Protector of Slaves (as the case may be)*, a warrant upon the *Receiver-General of this Colony, for* the amount of his salary for the half-yearly period embraced by those returns; and the Lieutenant-Governor, or acting Lieutenant-Governor for the time being, shall be, and he is hereby required, by the first convenient opportunity, to transmit such report to His Ma-

jesty's Principal Secretary of State for the Colonies. And it is hereby further ordered, that if the Protector, *or Deputy Protector of Slaves (as the case may be)*, or any Assistant Protector of Slaves, shall wilfully and fraudulently make, or cause to be made, any erasure or interlineation in any of the books, records, or returns aforesaid, or shall wilfully falsify, or cause to be falsified, such document, or burn, cancel, or obliterate the same, the person or persons so offending shall incur such penalty or imprisonment as shall be imposed at the discretion of the *Court of Criminal Justice of this Colony;* and if such person be the Protector, *or Deputy Protector of Slaves*, he shall moreover be thereby disqualified from holding his office.

Note.—This in lieu of the 35th Clause of the Demerara Ordinance.

39.—*And it is hereby further ordered, that all acts declared by this ordinance to be misdemeanors, shall be heard, tried, and inquired of before the Court of Criminal Justice of this Colony at the instance of the Fiscal, and that all the pecuniary fines and penalties hereinbefore imposed shall be recovered in the Court of Civil Justice of this Colony by the said Fiscal, in the usual and ordinary manner as in the case of other Fiscal actions. Provided that all the prosecutions for misdemeanors, and actions for pecuniary fines and penalties under this Act, shall be commenced within twelve months next after the commission of the offence; and the information and proceeding thereon, before a person properly authorized, shall be deemed and taken to be a commencement of such prosecution.*

Note.—This is the concluding part of the 35th Clause of the Demerara Code, and it has been deemed but equitable and just to apportion one-half of the fines to the use and benefit of the Fiscal, because he receives no fixed salary from the Colony, whereas the Fiscal in Demerara does receive a fixed salary of considerable amount from that Colony.

40.—And it is hereby further ordered, that all fines and forfeitures recovered under the several provisions of these regulations, *shall* be divided *and paid in the manner following, that is to say, one half to the Fiscal of the Colony*, and the other half to be paid into the colonial chest.

41.—And it is hereby further ordered, that if any person shall be twice convicted of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted before the Court of *criminal* justice of this Colony, shall thereby incur double the penalties hereinbefore provided for such offence; and he *or she* shall moreover be declared by the Court of *criminal* justice absolutely incapable to have the management or superintendence of any Slave or Slaves within this Colony; and if the person so convicted shall be the owner or proprietor of Slaves, such Slaves, together with the estate to which they may be attached, shall be placed in the hands of two or more curators to be appointed by the Court of *civil* justice *upon the application of the Protector or Deputy Protector of Slaves made to such Court for such purpose*, who shall administer and manage the same under the same regulations heretofore *in such cases* existing; and be accountable in the same manner as all other curators appointed by the Court of *civil* justice now are. Provided, however, that nothing herein contained shall prevent such owner or proprietor from inspecting the accounts to be kept by the curators so appointed, and from receiving and using for his or *her* own benefit, the clear revenue arising from such Slaves and estate to which they may be attached, in such manner as he *or she* would have been entitled to the same, if no appointment of *such* curators had taken place. Provided also that nothing herein contained shall extend or be construed to extend to prevent the owner or proprietor of such Slaves or estate from selling or disposing of the same, in like manner as would have been lawful, in case no such curators had been appointed.

Additional Clause to the Demerara Code.

42.—*And it is further ordered, that by every person having the charge of a task or working gang exceeding six in number, and upon every estate throughout this Colony, there shall be carefully kept and preserved a copy of this Ordinance, to which access may at all times be immediately had, under a penalty in case of neglect or default of five hundred guilders, to be incurred and paid by the owner or proprietor of such estate and task or working gang as aforesaid.*

43.—And it is hereby further ordered, that all Laws and Ordinances of this Colony, in any wise repugnant to the several provisions, matters, and things hereinbefore expressed or contained, shall be, and the same are hereby repealed and declared to be null and void and of no effect.

44.—And it is hereby further ordered, that this Ordinance shall take effect

on, and be in full force, from and after the first day of November next ensuing the date hereof.

And that no ignorance of this Ordinance may be pleaded, these presents shall be published in the Gazette of this Colony, and copies sent round to each and every estate and plantation therein for general information.

Thus done and enacted in Council of Government, held at the King's House, Berbice, this twenty-fifth day of September in the year of our Lord one thousand eight hundred and twenty-six. Present—His Excellency the Lieutenant-Governor, and the Honourable Members Wm. Scott, Charles Kyte, Wm. Campbell, James Culley, and T. A. Jones, and J. S. Usher.

(L. S.) HENRY BEARD.

By Command,

(Signed) F. WHITE, Dep. Sec.

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Article 1.—Protector's salary f. 14,250, payable out of the ordinary revenues.—Oath of office.

2.—Protector to keep an office in New Amsterdam.—Books and papers to be kept in such office, and not elsewhere.

3.—Protector not to be interested in any plantation, Slaves, or mortgage. Not to act as manager, overseer, agent, or attorney, &c. of any estate; not to act as the guardian, trustee, or executor of any person interested in Slave property. In case of Protector acquiring Slave property in his own right, or in right of his wife, to forfeit his office.

4.—Protector not to leave the Colony without a licence. Leave of absence not to exceed three months.

5.—Governor to fill up vacancy in the office of Protector. No person to act as Deputy Protector who cannot act as principal—certain exceptions. Protector to do the duty in person.

6.—Protector to be a Magistrate throughout the Colony, with the same power (as regards the Slave population) as is exercised by the civil Magistrates in their respective districts.

7.—Civil Magistrates to be Assistant Protectors of Slaves in their respective districts.

8.—President of the Court of Criminal Justice to appoint advocates to defend Slaves prosecuted criminally; such advocates to be paid taxed costs out of the Colonial chest. Protector empowered to prosecute actions at Law on behalf of Slaves.—In civil suits, where Slaves are parties, notice to be given to the Protector.

9.—Slaves not to be worked between sun-set on Saturday and sun-rise on Monday. Slaves not to leave the estate on Sunday without permission.—Weekly allowance may be served out to Slaves on Sunday, previous to eight o'clock A. M.—Certain exceptions as to domestics, preservation of cattle, &c.; nurses, watchmen, &c.; prevention of fires, &c.; boiling off and potting sugar; turning and drying coffee and cotton; the labour of picking, turning, and drying of coffee and cotton to be paid for in the current money of the Colony. Rate of wages to be fixed by Protector, subject to the approbation of the Governor in Council. Parties refusing to pay Slaves for picking coffee and cotton on Sundays to be fined. No person to hire the Slave of another to work without owner's consent. Persons unlawfully hiring Slaves to be fined f. 600, or suffer imprisonment.

11.—Sunday markets to be closed at eleven o'clock A. M.; goods exposed for sale after that time to be forfeited.

12.—No person to carry, or authorize the carrying of a whip in the field, as a badge of authority, or as a stimulus to labour, after the 1st of November 1826, under a penalty of f. 600, or imprisonment.

13.—Punishment of male Slaves not to exceed twenty five lashes, and to be inflicted in presence of a free witness, or of six Slaves, at or near the buildings, under a penalty of f. 900, or in case of non-payment, imprisonment not exceeding six months.

14.—No female Slave to be punished by flogging after the first of November

1826, under a penalty of f. 1400, or imprisonment not exceeding six months. Punishments substituted for the whip. Female Slaves under twelve years of age to be punished the same as children at school—any indecent exposure of the person to be avoided. Cognizance taken of extraordinary offences by civil Magistrates.

15.—A Punishment Record Book to be kept by all managers of task or working gangs exceeding six in number, and upon every estate; in which book the particulars of all punishments must be entered within 48 hours after infliction, under a penalty of f. 300 for each offence. Persons making false entries or erasures in Punishment Record Book to be fined f. 300 for each offence, or three months imprisonment. Form of Punishment Record Book.

16.—Proprietors of task gangs or estates to make returns of all punishment, on oath, twice a year to the civil Magistrates, under a penalty of f. 300.

17.—Magistrates, as such, Assistant Protectors of Slaves, to transmit the returns and affidavits made to them to the Protector of Slaves in the months of February and August each year.

18.—Protector to enter such returns in a book, or set of books, and to preserve originals.

19.—Slaves may marry on obtaining licence.—Mode of obtaining such licence.

20.—Regular licenced Ministers of religion authorized to solemnize such marriages on production of licence.—Ministers to keep a register of all marriages.

21.—Owners, &c. to pay a gratuity to female Slaves for every child born in marriage, or reputed marriage, when the child is six weeks old (if child be then alive).—Females having six children alive, the youngest seven years old, not to do field or any other than light work under a penalty of f. 300.

22.—Owners to supply Slaves with the customary allowance of food and clothing, under the penalty therein provided. Estates to have one acre of provisions planted for every five Slaves; or in lieu thereof, when found, inadequate, to purchase a sufficient supply.

23.—Field work of Slaves to be from six o'clock in the morning to six in the evening, allowing two hours during that period for rest and meals, under a penalty of f. 300.

24.—Owners of estates to employ legally qualified medical practitioners, and to furnish sick Slaves with what may be requisite. Every estate to have an hospital, with proper conveniences, under a penalty of f. 600. A book or register kept in the hospitals; treatment of sick to be entered therein by the medical attendant, under a penalty of f. 22, for each offence.

25. No Slave who may have died suddenly to be buried without an inquest being first held on the corpse, under a penalty of f. 500.

26. Husbands and wives, or their children under sixteen years of age, not to be separated in enforcing the execution of any sentence, &c. Directions to marshals and sworn clerks, as to the mode of levying executions in such cases. In case of doubt Protector to decide. Record to be kept of all married Slaves on the estates, and transmitted to the Protector when required, under a penalty of f. 500.

27.—The custom of permitting Slaves to enjoy and dispose of landed and other property recognised by law—fire-arms, ammunition, and colonial produce, excepted. Slaves not to keep any stock on their master's land without permission. Owners or protectors of Slaves may maintain actions in their own names against parties indebted to Slaves. Persons refusing to pay over money, &c. recovered for the use of a Slave, to be fined or imprisoned at the discretion of the Court. Owner's right of property in the Slave, and his services, not to be prejudiced by privileges of the Slave. Property acquired by Slaves, and not their persons, liable for their debts.

28.—A Savings Bank to be established under the direction of the Protector of Slaves, subject to the superintendence of the Governor, and Council of Government.

29.—No tax or fee to be paid on manumissions. Persons taking any fee in respect to manumissions, to be fined, not exceeding f. 1000, nor less than f. 100.

30.—Owners desirous of manumitting a Slave, to give notice in writing to the Protector of Slaves, who is to fix the amount of deposit or security in cases

where necessary. Deposits to be paid to the Treasurer of the Poor's Fund. Protector to give public notice of intended manumission; and in case of opposition (which is to be tried *de plano*), to defend the Slave. Protector to enrol manumissions in the Colonial Secretary's Office within one month, under a penalty of f. 500. Manumissions, when enrolled, to be delivered to the Slave, who shall then be deemed free.

31.—The right of Slaves to purchase their freedom recognised by law. Mode of proceeding to effect their manumission.

32.—President, in the presence of the Protector and the Owner, Attorney, &c. to hear and decide summarily between the parties, in case of any impediment to the affecting a manumission. Mode of appraisement.

33. On payment being made of the appraised value of a Slave, said Slave to be deemed free.

34.—Mode of disposal of the proceeds of the sale of a manumitted Slave.

35.—Clergymen to deliver certificates to the Protector of Slaves of the names and places of abode of such Slaves, as they may consider sufficiently instructed in religion to understand the nature and obligation of an oath. The Protector of Slaves to register such certificates in a book. Unlicensed Clergymen not competent to grant certificates.

36.—Slaves competent to give evidence, if registered in such book. Protector to grant certificate thereof without fee. Slaves not competent evidence in cases affecting the life of a free person. The authority of the Court of Criminal Justice to admit the evidence of Slaves in any case not diminished. Slaves not to be deemed competent to give evidence, who would be incompetent if free.

37.—Salary of Protector of Slaves to be in full, and in lieu of all fees. Protector taking fees to be fined double the amount, and disqualified from holding his office.

38.—Protector to deliver returns and a report on the 1st January 1827; and afterwards half yearly to the Governor on oath, and then to receive a warrant for his salary. Governor to transmit report and returns to his Majesty's Government. Protector, or Assistant Protector, of Slaves, wilfully or frandently altering, &c. returns, to be fined and imprisoned, and if the Protector, to lose his office.

39.—Misdemeanors under this Act to be tried before the Court of Criminal Justice by the Fiscal. Fines and penalties to be recovered in the Court of Civil Justice by the Fiscal. Actions to be commenced within twelve months.

40.—Fines to be paid, one half to the Fiscal, and one half to the Colonial Chest.

41.—A person twice convicted under this Act, liable to double penalties, and not to be allowed to manage Slaves; if a proprietor, Curators to be appointed to manage his estate in the usual manner.

42.—All managers of estates or task gang to have a copy of this Ordinance, under a penalty of f. 500.

43.—All Laws and Ordinances to this Act repealed.

44.—This Act to be in force from and after the 1st November 1826.

Extract from the Register of the Proceedings of the Honourable the Council of Government of the Colony of Berbice.

Present.

His Excellency Henry Beard, Esq. Lieutenant-Governor; the Honourable William Scott, Charles Kyte, William Campbell, James Culley, and T. A. Jones.

Absent.—J. S. Usher.

Monday, 25th September 1826.

(After Prayers.)

The Secretary, pursuant to direction, brought up a fair copy of the Ordinance for the melioration of the condition of the Slaves in this Colony, which having been read, was finally approved, passed, and signed.

His Excellency directed the Secretary to cause the said Ordinance to be immediately published in the Colonial Official Gazette, and to procure five hun-

dred copies for circulation throughout the Colony, as also for the supply of individuals requiring copies, to be furnished unto them at f. 11 for each copy, and the money arising from the sale of them to be carried to public account.

The Council then, with his Excellency's permission, desired it to be minuted as follows:

"The Council of Government having now completed the new Code for the religious instruction and amelioration of the Slave population in this Colony, avail themselves of the opportunity afforded to express their hope, that should a deterioration of property unfortunately follow the promulgation of said Code, and ruinous or injurious consequences ensue to the planter therefrom, the views of His Majesty's Government having been voluntarily entered into by the Council, shall not be held to debar their fellow Colonists from that claim to compensation expressly secured to them by the concluding Resolution of the House of Commons in May 1823, 'That the interests of private property should be 'fairly and equitably considered,' and which it may be asserted the Planters and others would undoubtedly have a right to, if the Code had been enforced without the concurrence of the Council, but rather that their adoption of the measures, recommended by His Majesty's Government in this respect, may be the means of entitling the Colony to the most favourable consideration.

"The Council beg leave to congratulate His Excellency on the unanimity and good understanding which has most happily prevailed between himself and the members during their discussions on this important subject, and to assure his Excellency of the grateful sense they entertain of his unwearied attention and ready acquiescence in those modifications of certain clauses of the proposed Code, which they, from local experience, and a due regard for the interests and welfare of this community, deemed it expedient should be introduced."

No. 14.

SIR, *Downing Street, 26th December* 1826.

23d October 1826.

I HAVE received your despatch of the date mentioned in the margin, enclosing a copy of the Ordinance which has been passed for meliorating the condition of the Slaves in Berbice. I have not yet been able to examine this Law so minutely as to prepare me to submit it to His Majesty in Council; but I take the first opportunity of communicating to you His Majesty's approbation of the zeal which you have evinced in the execution of your duty on this occasion, and I am to desire that you will convey to the Court the sense which His Majesty entertains of the highly praiseworthy manner in which they have applied themselves to the subjects which have been brought under their consideration.

I have, &c.

Lieutenant-Governor Beard, (Signed) BATHURST.
&c. &c. &c.

No. 15.

MY LORD, *Berbice, 20th November* 1826.

I HAVE the honour to transmit to your Lordship the Reports of the Civil Magistrates in this Colony, made to me in consequence of my circular letter to them of the 12th of October last, requesting them to explain the new Slave Code upon the several estates in their respective districts; a copy of which circular letter I had the honour to transmit to your Lordship in my despatch of the 23d of October. In addition to these Reports, I now forward to your Lordship similar Reports from the Fiscal and the superintendant of the Winkel Negroes, and I flatter myself that the whole will be satisfactory to your Lordship.

I am happy to be able to inform your Lordship, that is impossible for the Colony to be more tranquil than it is at this time, and that the new Code appears every where to have produced the most beneficial effects.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Reports of the Civil Magistrates in the several Districts in the Colony of Berbice, on the promulgation of the New Code of the 25th September 1826, for improving the condition of the Slave population therein.

A.

SIR, *West Court, Berbice, 25th October* 1826.

I HAVE the honour to report, for your Excellency's information, that I have visited the several estates within this district agreeable to your instructions of the 12th instant, and explained to the Negroes the new Slave Code of the 25th of September last, and it affords me much satisfaction to assure your Excellency that it was received by them with much pleasure, and that in a population of upwards of 2000 Negroes they seem to be contented and happy.

I have, &c.

(Signed) H. DOWNIE, Civil Magistrate.

To his Excellency Henry Beard, Lieut.-Governor, &c. &c.

B.

SIR, *Plantation, Melville, 26th October* 1826.

IN conformity with your Excellency's instructions, dated the 12th instant, I have the honour to report, that I handed a copy of the new Code of Laws to the respective managers in charge of estates in the East Coast District, and explained to the most intelligible Negroes on each estate, every clause which I thought necessary and useful to communicate to them, and in such language that they could fully comprehend the true meaning and intent of them; after a full explanation, I asked them if they had any reply to make. The general answer was "No."

I have great satisfaction in reporting to your Excellency, that on this occasion the Negroes behaved themselves remarkably well; and further, that, during the period that I have acted as Burgher Officer in this district, very few instances have occurred to my knowledge of the Negroes going with complaint to the public authorities; which is no less creditable to their owners than to the respective managers in charge of estates. I trust I shall from time to time be enabled to report in the same favourable manner; and that the new Code of Laws will not cause them to pursue a different line of conduct.

I beg leave to mention to your Excellency, that it is my intention to leave the Colony for Europe early in the month of January; until then, I shall do all in my power to act up to the instructions received from your Excellency.

I have, &c.

(Signed) GEORGE WATSON,
Civil Magistrate, East Coast District.

To his Excellency Henry Beard, Esq. Lieut.-Governor.

C.

SIR, *Berbice, 26th October* 1826.

ON the 13th instant we had the honour to receive your Excellency's appointment as Civil Magistrates in the second district of the River Berbice, commencing at, and including Plantation de Edward, and extending to Plantation Op Haop van Beter, West Bank, which commission we have accepted of with due submission and respect. We further took the oath as Civil Magistrates on the 19th instant.

We now beg leave to report to your Excellency that we have visited all estates within our district, and distributed to the respective managers the late Ordinance, dated 25th September last, relating to the bettering of the state and condition of the Slave population within this Colony, which we have explained to the head people, and most sensible Negroes. They all listened to it with

great attention: made hardly any reply, but thanked us in general for our trouble for communicating the new Ordinance to them.

We have, &c.

(Signed) F. MAURENBRECKER,
G. PRASS,
Civil Magistrates Second District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

D.

Sir, *Plantation Sandvurt, 26th October* 1826.

I HAD the honour to receive your Excellency's letter of instructions of the 12th instant, inclosing me a commission as Civil Magistrate in this district, and have now the honour to inform you that in obedience to your Excellency's commands, I have directed the several managers to make known and explain in the most explicit manner to the Negroes under their charge, the nature and substance of the new Code of Laws of the 25th September, for promoting the religious instruction of the Slave population in this Colony, and bettering their condition; and that I have received their respective Reports, stating their having complied accordingly.

On two estates, Plantation Blyendaal and Anna Clementia, I personally read and explained the Slave Code, as the managers of these estates especially requested I should do so, under the plea that the Negroes, being Dutch, did not give that credit to their statement of it as was sufficient to establish a good understanding between them; and it affords me satisfaction to inform your Excellency, that on my explaining it they seemed highly gratified and thankful for the benefits bestowed upon them, expressing hopes that their future conduct would sufficiently prove they felt the full extent, and were sensible of the protecting and salutary regulations provided for them.

I made it a point to impress upon their minds that the Punishment Record Book was meant not only as a check on the conduct of the manager towards the Slaves, but also as a record for the information of your Excellency and the Government to know such of the Negroes whose characters are really bad; and that such as appeared often in that book would be debarred of many of the benefits afforded to the Slaves of good character by the provisions of this Code.

On the whole I have reason to believe the new Code of Laws will make the Negro a better member of society than heretofore, as it places him on a footing of equality, and makes his situation in many respects better than the free people, and of consequence renders him a more important being in his own estimation than before.

I shall not fail to acquaint your Excellency of any circumstance worthy your hearing that may from time to time occur in this district.

I have, &c.

(Signed) P. NICHOLSON,
Civil Magistrate, West Bank, Canje Creek.

To his Excellency Governor Beard, &c. &c.

E.

Sir, *Berbice, 30th October* 1826.

IN pursuance of instructions received from your Excellency, dated the 12th instant, we have the honour to report to your Excellency, that the Ordinance for promoting the religious instruction and bettering the condition of the Slave population of His Majesty's Colony of Berbice, has been explained to the Negroes on the several estates in this district; to some, by ourselves personally, and to others, by the proprietors or their representatives, and that the Negroes in general in this district appeared reconciled to the same, expressing neither disappointment nor satisfaction at the orders contained therein.

We imagine some considerable time will elapse before the Negroes will be

made sensible of, or enter into the views of Government, as far as regards the Savings Bank system. We have explained it to the best of our abilities, and must trust to time to develope to them its utility and advantage.

As many of the articles contained in the new Ordinance have been anticipated for some considerable time past by many of the planters in this Colony, such as, 1st, abolishing the use of the whip to the females, and seldom using it to the males.—2d. Securing to the Negro the whole of the *Sunday*, by distributing their weekly allowance of provisions on Saturday afternoon.—3d. Frequently giving them a day to work their own private provision grounds. —4. Working them by task work on all possible occasions, in which case they rarely ever labour until sunset; we trust there will be a continuance of the same good conduct and quiet behaviour which has hitherto characterised (with a few exceptions) the Negroes of this district.

We have, &c.

(Signed) H. WHITE,
CHARLES M'LEAN,
Civil Magistrates, First District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

F.

SIR, *Kilcoy, 31st October 1826.*

IN obedience to the orders contained in your Excellency's Letter, bearing date 12th instant, I have distributed the pamphlets containing the new Slave Code to all the estates and persons owning Slaves in this district, which has been fully explained to the Slaves, either by myself, or the persons in immediate charge of them. As to my observation on the conduct of the Slaves, when explaining the regulations to them, I have to report that they did not seem to evince much satisfaction or disappointment.

I have, &c.

(Signed) D. FRASER,
Civil Magistrate 2d District, East and Corentyn Coast.

To his Excellency H. Beard, Esq. Lieutenant-Governor.

G.

SIR, *November 1st 1826.*

IN compliance with your letter, dated 12th October, we beg leave to report to your Excellency that we have sent a circular through this district on the 24th ultimo, desiring the gentlemen having charge of Negroes within the same, to keep the Drivers, and some of the principal Negroes on each estate about the buildings on the following day, for the purpose of explaining to them the new Code, of the 25th September last, for promoting the religious instruction of the Slaves in this Colony, and bettering their condition, which we accordingly did on every estate in this (fourth) district, plantation Overysel excepted, from Mr. Downer's not having any of his Negroes at hand when we called on that estate, but he promised that he would explain the new Code to his Negroes on or before Sunday last, and report to us in writing that he had done so; but this report he has not as yet sent.

The Negroes on the other estates heard the new regulations explained with marked indifference.

We have, &c.

(Signed) GEORGE MAC ANDREW,
K. TERLET,
Civil Magistrates, 4th District, River Berbice.

His Excellency Lieutenant-Governor Beard, &c. &c.

H.

Sir, *Berbice, 2d November* 1826.

IN pursuance of the instruction contained in your circular of the 12th October, we distributed copies of the new Code for bettering the condition of the Slave population, to the different estates in our district, with directions to the managers to explain the same fully to the Slaves under their charge, and we have since taken an opportunity of visiting the several estates ourselves, and explaining in general terms to the principal Negroes on each, the object and extent of the same. In every instance, the Negroes appeared to comprehend fully the substance of the new laws, and extremely ready to listen to what we said, without, however, expressing themselves either satisfied or otherwise.

We have, &c.

(Signed) W. FRASER,
JOHN ALVES,
Civil Magistrates for the East Bank, Canje.

His Excellency Lieutenant-Governor Beard, &c. &c.

I.

Sir, *River Berbice, 2d November* 1826.

WE most respectfully beg leave to acknowledge the receipt of your excellency's commission appointing us civil Magistrates of the 3d District, Berbice River, dated 12th October 1826, as also your Excellency's circular of the same date, appointing us to be assistant Protectors of Slaves.

We have, according to your Excellency's commands of that date, visited the different estates in our district, and explained to the Slave population the new Code of the 25th September 1826, for bettering their state and condition; which Code was received by the Slaves on the different estates in a satisfactory manner, as far as we were able to judge:—We have, therefore, no remarks worthy of your Excellency's knowledge.

We have, &c.

(Signed) J. V. METTELHOLZER,
EDWARD HICKS,
Civil Magistrates, 3d District, River Berbice.

To his Excellency Lieutenant-Governor Beard, &c. &c.

K.

West Coast, Berbice, 4th November 1826.

May it please your Excellency,

ACCORDING to your instructions of 12th Oct. I have personally visited the several estates in my district, and have read and explained to the gangs thereof, the provisions of the new Code of Laws, 25th September, and have much pleasure in informing your Excellency it was generally well received, and afforded satisfaction; although, from most of these clauses being long in custom, the Negroes expected something new, and what they had not experienced.

I have, &c.

(Signed) JOHN S. USHER.

His Excellency Lieutenant-Governor Beard, &c. &c.

L.

Sir, *Plantation Mary's Hope, 4th November* 1826.

I HAVE to inform you, for the information of his Excellency the Governor, that, agreeably to my instruction, I have caused the new regulations for promoting the religious instruction, and bettering the condition of the Slave popu-

lation in this Colony, to be read and explained to the Negroes, on their respective estates, in the 3d District of the East and Corentyn Coast, and they have since behaved in a quiet and orderly manner.

I am, &c.

(Signed) WILLIAM RICHARDSON,
Civil Magistrate.

To W. M. Morris, Esq. Government Secretary.

M.

Sir, *Winkel Office, Berbice, 30th October* 1826.

IN compliance with your Excellency's desire I yesterday morning assembled the Winkel Negroes, and explained to them the Ordinance for the religious instruction and amelioration of the condition of the Slave population in this Colony. In doing so I endeavoured to make them clearly and distinctly understand the nature and extent of the important privileges secured to them by the Ordinance, and to impress upon their minds that it was only by making a proper use of the benefits now granted to them that they were to look forward to an extension of them hereafter. And I now have respectfully to report, for your Excellency's information, that all the people, but particularly the headmen, appeared perfectly satisfied, and grateful for what had been done for them, and expressed their determination to endeavour, by their future good conduct, not only to prove themselves deserving of the privileges already conferred upon them, but to merit their extension hereafter.

Mr. Power, the Protector, was kind enough to attend, and expressed his entire satisfaction with the general appearance of the Negroes (particularly the children), and with their very orderly and decorous conduct on the occasion.

I have, &c.

(Signed) Wm. SCOTT,
Superintendent, Winkel Department.

To his Excellency Lieutenant-Governor Beard, &c. &c.

N.

Sir, *Fiscal's Office, Berbice, 10th November* 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 12th October, enclosing copy of the Ordinance of 25th September last for promoting the religious instruction and bettering the state and condition of the Slave population in this Colony, and your Excellency's commands to explain and make it generally known and well understood by all classes of the Slave population in the town of New Amsterdam and its vicinity, and report my proceedings thereon to your Excellency.

In reply I have the honour to state that, for the purpose of complying by all the means in my power with your Excellency's commands, I caused the following public notice to be inserted in the Colonial Gazette of the Colony:

"Fiscal's Office.

"All persons in the town of New Amsterdam, and its immediate vicinity, not being within either of the districts of the local Civil Magistrates, are requested to explain to their Slaves of every denomination the several provisions of the new Ordinance of the 25th September last, regarding that class of the population of the Colony, and the undersigned will be in attendance at his office at the usual hours of business for the purpose of explaining the provisions of the said Ordinance to such Slaves as may be sent or apply to him for that purpose."

In consequence of this notice many Slaves have been sent and many have applied to me; and I have fully and minutely explained the several provisions of the Ordinance to them, and I have great satisfaction in stating to your Excellency that they appeared fully to comprehend it. The major part of those to whom it was explained expressed themselves in such terms of approbation and

satisfaction of the measures contemplated for their moral improvement as to leave no doubt on my mind that as they become more familiarized with the salutary measures for promoting their welfare, they will by orderly and good conduct render themselves deserving of the advantages intended them by Government.

I have, &c.

(Signed) M. S. BENNETT,
Fiscal of the Colony.

To His Excellency Lieutenant-Governor Beard, &c. &c.

No. 16.

My Lord, *Berbice, 21st November* 1826.

I HAVE the honour to transmit to your Lordship extract minute of proceedings in Council of the 7th of the present month, by which your Lordship will see that the tariff of wages to be paid to Slaves in pursuance of the ninth clause, letter C. of the new Slave Code, for conservatory Sunday labour, has been fixed for three months, in manner recommended by Mr. Power, His Majesty's Protector of Slaves.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K.G.
&c. &c. &c.

Extract from the Register of the Proceedings of the Council of Government of the Colony of Berbice.

Tuesday, 7th November 1826.

Read a letter, dated the 6th instant, from David Power, Esquire, His Majesty's Protector of Slaves, to the Lieutenant-Governor, submitting the following tariff, or rate of wages, payable to predial Slaves for the several descriptions of labour that may be required of them on Sundays, during the period of three months next ensuing, for the preservation of the crops on any estate, as enumerated in note A, section 5, art. 9, of the Ordinance for bettering the state and condition of the Slaves in this Colony, viz.

For each and every Slave so employed, one guilder per diem.

Ten hours labour, whether continuous or intermissive, to constitute a day; and in order to facilitate the account and remuneration of such labour, the manager or other person in charge is directed to enter in his journal, or book to be kept for such purpose, the periods of such employment of Slaves, and at the end of each and every month to pay in Colonial currency unto them their respective wages, at the said rate per day, and for every lesser period according to the same standard.

Which having been maturely considered, the Council recommend that the said tariff be approved and adopted for the period of three months next ensuing. His Excellency was pleased to accede thereto, and directed the Secretary to signify his approval of such tariff unto the Protector of Slaves.

No. 17.

My Lord, *Berbice, 21st November* 1826.

I HAVE, just at the moment of closing my despatches to your Lordship, received a letter, of which I have the honour to enclose a copy, from Mr. Power, His Majesty's Protector of Slaves in this Colony, conveying the gratifying information that, although the new Slave Code has been in operation only three weeks, the deposits for the Savings Banks by a few negroes amount already to the sum of five hundred guilders, equal to about £36 sterling.

I flatter myself that this Report will be highly satisfactory to your Lordship, and therefore I have deemed it to be my duty to lose no time in making it.

I have, &c.

(Signed) H. BEARD.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

SIR, *Protector's Office, Berbice, 21st November* 1826.

IT is with very great satisfaction that I have the honour to state, for your Excellency's information, that a sum of money, exceeding five hundred guilders, has within the present week been deposited in my hands, under the 28th clause of the new ameliorating Code, by persons in a state of Slavery.

I feel most sensibly the gratification which such early results from the new Code, on a branch most difficult to be made intelligible to the Negroe's mind, will afford to your Excellency; and am led to anticipate the steady but successful progress of the institution of Savings Banks—an institution which, if enabled to take root in this community, must necessarily tend to promote the well-being, and augment the security of all classes of its population.

I have therefore to move your Excellency, that you will be pleased to direct the proper officer in the Colonial Treasury to receive the amount of deposits in my hands, so that the depositors may have their interest on the same, accruing from the earliest possible period.

I have, &c.

(Signed) DAVID POWER,
His Majesty's Protector of Slaves.

To his Excellency Lieutenant-Governor Beard, &c. &c.

TRINIDAD.

No. 1.

My Lord, *Trinidad, 24th November* 1825.

HAVING observed in the Order issued by the Governor and Court of Policy in Demerara, for the melioration of the condition of the Slave population, that the planters are to be required to make the punishment returns twice within the year, while the Order of the 10th March 1824 obliges the planters in this Colony to make those returns four times within the same period, I have the honour to solicit from your Lordship, that if the Demerara Order be approved in this particular, your Lordship would be pleased to relieve the planters of this Colony from the obligation at present required of them, of making these returns four times within the year, by directing an Order to be prepared, substituting half yearly for quarterly returns under the 16th clause of the Trinidad Order.

I have, &c.
(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 2.

Sir, *Downing Street, 8th March* 1826.

I HAVE received your despatch of the 24th November last, and I have to acquaint you in reply, that when the Order of His Majesty in Council for meliorating the condition of the Slaves in Demerara shall have been issued, due consideration will be given to the propriety of introducing into the new order for Trinidad, any modification which it may be finally resolved upon to admit in the case of Demerara, and which shall appear to be equally desirable for both Colonies.

I have, &c.
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 3.

Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated 7th January 1826.

IN my letter of the 12th June, I observed to your Lordship, that an application had been made in the Council for the printing and publishing of the records of complaints made by Slaves to the Syndic, but as I omitted to urge any reasons on behalf of the proposal, your Lordship declined to sanction it.

As the Council consider that it would be but an Act of justice to give the utmost publicity to such records, I cannot do better than lay before your Lordship a copy of the observations made by Mr. Burnley to the Board of Council when the measure was first proposed, and which have since acquired additional importance and force, so as to have rendered the Board unanimous in their wish to see them made public; and as I see no sufficient motive for opposing it, I therefore beg leave to renew my application in this behalf.

Extract from Minutes of His Majesty's Council, dated the 4th September 1826.

The Hon. Mr. Burnley requested leave to submit the following proposal to the consideration of the Board:

That in future, all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which come under the judicial investigation of the Hon. the Judge of Criminal Inquiry, or of the Procurador Syndic, should be published monthly in the Colonial Gazette, stating the names of the parties, of the estate or domicile, the nature of the complaint, and the decree given. There were many reasons which induced him to consider such a measure necessary, which he would take the liberty to detail to the Board. In the first place, feeling as he did, that the great body of proprietors of estates treated their Slaves with as much lenity as the miserable system they unhappily were obliged to administer would admit of, he was anxious that the same should be placed on record; that it would at once silence calumny, and render it apparent that no changes were necessary in this Colony, where the Slaves are already sufficiently protected by the existing laws; but if, on the contrary, as some had asserted, gross instances of misconduct and severity occasionally occurred on the part of the Master towards the Slave, the adoption of the mode he proposed was still more necessary; the shame of public exposure would then be brought in aid of the law; public opinion would at once put down the offenders, and the better part of the community would cease to suffer under the obloquy which attached to a few guilty individuals.

Such a measure would tend to secure strict impartiality and uniformity in the decrees of the officers alluded to, which would remain on record as a body of useful precedents for their successors, and constitute at the same time, a Code by which the community would learn to regulate their conduct. Shades of difference would and must exist in the minds of individuals as to the degree of punishment to be awarded to any specific crime, and gentlemen of honour and humanity, with the best intentions, were now liable at all times to be reprimanded by the Syndic from their entire ignorance of the rule by which his decisions were guided. He did not hesitate to say, that such a state was unjust, and cruel towards the great body of proprietors in the Island, and ought not to be permitted to exist even for a day. As the only resident proprietor of an estate sitting at that Board, he felt it to be his duty to press this matter upon their attention; and he earnestly entreated his Excellency and the Board to give the same a favourable consideration. And Mr. Burnley's proposal being discussed for a considerable time, it was finally resolved, that the monthly statements referred to should be called for, and laid before the Board; when the propriety of the publication thereof would be re-considered.

No. 4.

SIR, *Downing Street, 12th April* 1826.

I HAVE received your despatch of the 7th January last, transmitting a copy of the observations made at the Board of Council, in explanation of the advantages, which it is expected by that body, would attend the monthly publication in the Colonial Gazette of all cases of complaint, whether from the Master against the Slave, or from the Slave against the Master, which shall come under the investigation of the Judge of Criminal enquiry, or of the Procurador Syndic. In compliance with the wishes of the Council, you will take the necessary measures for causing the publication of these records with regularity, once in every month.

I have, &c.
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 5.

Extract from a Despatch from Sir Ralph Woodford to Earl Bathurst, dated 25th February 1826.

THE Attorney General has contended that, under the 34th clause of the Order in Council of the 10th March 1824, when an individual thinks fit to manumit a Slave without pecuniary consideration, it becomes the duty of the Protector to ascertain that the Owner has full and entire right to grant the manumission: to this the Protector has replied, that his duty is in this respect confined to the examination of the perfect rights to manumit, of those who receive from a Slave consideration money for his purchase; and that, by adopting the other course, he would be acting as the investigator of the rights and property of mortgagees and all other persons connected with the estate, and that any such examination could not prevent fraud, where fraud was intended, as personal Slaves are purchased by private contract, and the mortgage of plantation Slaves may not be recorded at the moment.

No. 6.

SIR, *Trinidad, 27th April 1826.*

IN my despatch to Earl Bathurst of 25th February last, I adverted to a question that had been raised on the obligation of the Protector of Slaves to inquire into the validity of the titles to Slaves brought to him for private manumission. Having recently received the Protector's last observations to the representation of the Attorney General, I deem it expedient to lose no time in placing the same before you, although I am not prepared to submit any alteration in the law in this particular.

The unexpected arrival of the mail does not permit copies being made of this voluminous controversy.

I have, &c.

(Signed) RALPH WOODFORD.

Robert Wilmot Horton, Esq. M.P.
&c. &c. &c.

TRINIDAD, 1826.

LETTERS from the Attorney General and the Protector of Slaves, upon the 34th Clause of the Order of the King in Council, 10th March 1824, as misconstrued by the Protector in the opinion of the Attorney General.

Attorney General's Report - - -	No. 1
Protector of Slaves's Answer - -	2
Attorney General's Reply - - -	3
Protector's Reply - - - -	4

No. 1.

SIR, *Port of Spain, 24th December 1824.*

I have to submit for your Excellency's consideration the following case, as arising out of the Royal Order in Council of the 10th of March 1824:

A free black man, named Charles Alexander, (who can neither read nor write) purchased, a few months past, in his own name, from Messrs. Joseph and Henry Graham, a female Slave, for the sum of £150 currency, and received from the sellers the original bill of sale to them, and one from them to him, as his title for the Slave, with a receipt for the payment, by him, of the purchase money.

It appears that this female Slave was the daughter of another free black man, named John Dinzy, who had requested of Charles Alexander, as a mark of his special favour and friendship, to purchase this Slave, and that John Dinzy would repay him the money in four months.

The document marked A, herewith, is the note given by John Dinzy to Charles Alexander; no bill of sale was, however, given by Charles Alexander to John Dinzy of this Slave, nor has John Dinzy yet paid the purchase money.

John Dinzy, it appears, carried this Slave before Henry Gloster, Esquire, the Procurador Syndic, Protector and Guardian of Slaves, to have her manumitted as his own absolute property, and as the voluntary act of him the said John Dinzy; and accordingly the Protector manumitted her as the property of John Dinzy, under the 34th clause of the Order.

Charles Alexander came to me to complain that a fraud had been committed upon him by John Dinzy in having this Slave manumitted, inasmuch as John Dinzy had never received a bill of sale of the Slave, or paid the purchase money. Upon my applying to the Protector to be informed of the circumstances, he stated that he considered the acceptance of the document A, by Charles Alexander, as a sufficient transfer by him to John Dinzy, and that all property in this Slave was thereby vested in John Dinzy, although no bill of sale, or bill of parcels, had been granted by Charles Alexander, and he had therefore manumitted the Slave. I, however, differed with him upon this point, and submitted that it was his duty to have ascertained, first, whether the Slave was registered as the property of John Dinzy, whether the title of the Slave was vested in John Dinzy, and whether there was any mortgage existing, on record, upon the said Slave in favour of any person. To this he answered, that it was not his duty, in cases of voluntary manumission, either to ascertain the title of any person voluntarily appearing before him to manumit a Slave, or to inquire as to the existence of any mortgage upon a Slave so voluntarily proposed to be manumitted.

This appearing to me a very extraordinary doctrine, and in my opinion not warranted by the 34th clause, which he said governed this case, and involving as it does consequences as insecure to the Slaves themselves as to the owners of them, whose property is thus in jeopardy, from a misconception, as I submit, by the Protector of the meaning of the Order in this respect, I have been induced to trouble your Excellency upon this occasion. In order, however, to satisfy myself that there was no misunderstanding on my part, as to the opinion of the Protector, I took the opportunity, as Mr. Watherston was in his office, of putting to him the following questions:—Suppose Mr. Watherston was to bring one of my Slaves to you to be voluntarily manumitted, would you perfect the freedom of the Slave without inquiring into the title of Mr. Watherston to the Slave? Yes.—Suppose that Slave had been mortgaged to any person, would you manumit the Slave without inquiring whether there was any mortgage on the Slave? Yes.—By these answers, it appears that the Protector conceives it to be within his power and authority to cause any Slave to be voluntarily manumitted who may be brought before him for that purpose, without inquiring whether the property of the Slave is in the person who proposes to manumit, or whether the Slave is free from mortgage.

This Order shows how careful His Majesty's Government has been to effect the manumission of Slaves in the most legal and effectual manner. The clauses from 28 to 33, relate to Slaves purchasing their own freedom, in cases where they are under mortgage, or where the title is defective, or where the owner objects thereto; and every measure has been devised to remove all difficulties, and the assistance of the Chief Judge has been called, the better to insure to the Slave his or her freedom. The 33d clause relates to manumissions by private contract, and in this it is declared that the Protector, "*on behalf of the Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission.*"

The 34th clause relates to voluntary manumissions without any valuable consideration; in this the Protector is only directed to take bond in cases where the Slaves are under six or above fifty; it is true, as the Protector observes, that he is not specially directed in the clause, as he is in the 33d clause, to ascertain that the person voluntarily manumitting has good right and title in the Law, and is competent to effect such manumission. This was not necessary,

inasmuch as the 33d clause refers to the manumission *of any Slave by private contract*, consequently the same precautions as are required to be observed by the Protector in the one case, must also be intended to apply to the Slaves alluded to in the 34th clause; for why should they not have the same benefit when the latter are manumitted from the voluntary act of the owner, arising from their good and faithful conduct; but it is certain, under the 33d clause, that the Protector is to see that all Slaves who are to be manumitted, shall be freed in the most legal and perfect manner, in order that no question shall ever arise thereafter to trouble or molest the person freed; and that he or she shall always remain in the undisturbed and perfect enjoyment of freedom; for surely, it cannot be supposed or pretended, that a Slave, whose voluntary manumission is intended to be legally perfected by his owner, and for his good conduct, is not to have the same attention paid to him by the Protector as is paid to the Slave who purchases his or her freedom; for although it is true that it is not specially declared, yet the Protector, on behalf of the Slave who is voluntarily manumitted, ought, upon every principle of justice to the Slave, to see that the manumission, so intended to be legally perfected, is so done according to the established Laws, by, first, ascertaining whether the Slave is duly registered; second, if the right, property, and title of the person in the Slave proposed to be manumitted is clear and absolute; and third, by having it certified by the Registrar of Mortgages, that there is no mortgage on the Slave. These are essential requisites, and are absolutely necessary to be observed, in order the better to ensure the warranty and guarantee of the freedom of the Slave. For His Majesty's Government never could have intended that this officer was to be the means of manumitting Slaves by the fraudulent acts of others, and depriving the right owner of his property in the Slave, or, by manumitting a mortgaged Slave, to deprive the mortgagee of his right over the Slave to sell him or her as mortgaged property whenever he might foreclose his mortgage. But the Protector, by his answers, goes the length of declaring that he would manumit a Slave upon the application of A that belonged to B, although the Slave should be mortgaged to C; and in doing so, says that he neither deprives B of his property, nor C of his mortgage right, for the owner only manumits his right and interest in the Slave; but in the case of a mortgaged Slave, the owner may not have any property. But let us see the injury and loss this would produce to a real owner and mortgagee, if, supposing that immediately after the fraudulent manumission of a Slave being perfected, B, the right owner of the Slave, is in a distant part of the country, and C, the mortgagee, is absent, and that the manumitted Slave leaves the Island with the manumission in his or her pocket; where is the remedy of the owner or mortgagee? None.—And therefore both the owner and mortgagee, in such a case, would be deprived, and that fraudulently, of their property; and by whom? By the King's officer, in the supposed exercise of his duty, by manumitting a Slave at the instance of a person who had no right in him—like the case of Alexander and Dinzy. But can such a monstrous doctrine as this be tolerated or maintained for a moment, much less acquiesced in by His Majesty's Government, who would thus be encouraging fraud, and absolutely depriving the lawful owner and mortgagee of their property for ever. But suppose a Slave, manumitted under such circumstances, remains in the island, what is the consequence, but that B is obliged to institute a suit to recover back his property, and C, the mortgagee, is obliged to join in the suit in foreclosing his mortgage. In this case the court of justice, acting under the order, would take it for granted upon the production of the act of manumission, prepared and executed by the Protector, that the Slave was free until B. and C. should prove their property in the Slave: this would cause a tedious and an expensive law-suit; and one no doubt that the Protector would carry to England. But supposing that B and C succeed in their suit, who is to pay the expences thereof, which would amount to three times the value of the Slave? and then would come the most important of all questions, whether a Slave once made free could be reduced into slavery; or supposing it to be a female, and she had had children, and the husband a free man, after the illegal act of manumission had been perfected; are the children by the act of the mortgagee or owner also to be brought into slavery?

Under these circumstances, I submit that the Protector in all cases of

voluntary manumission, as stated in the 34th clause, ought to be governed by the 33rd clause, which declares that the Protector shall on behalf of the Slave, be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission. But I respectfully contend that it is the bounden duty of the Protector, in a case of voluntary manumission, to see that the Slave so intended to be freed shall be legally secured and perfected in his freedom, secured against all claims and incumbrances; and this only can be done by the Protector ascertaining that the Slave is first duly registered, for if he is not, he may be free under the law; second, that the Slave is the absolute property of the person offering to manumit; and lastly, that there is no registered incumbrance on the Slave. When I was Syndic I always observed these essential requisites; for let us suppose a man of bad character, one who will not pay his debts, one who owes a great deal of money in England, secured by mortgage upon his estate and Slaves, he makes an agreement with six of his most valuable Slaves, but in whom he has no property (it not being sufficient to pay his mortgage debt), to give him each 200 dollars, half their value; he then goes to the Protector and declares voluntarily to manumit them; the Protector does so. Is not this a fraud upon the mortgagee of 2400 dollars, their actual value; and will not the freedom of Slaves who are mortgaged be always insecure; and in cases of females, would it not bring into slavery their issue, who are supposed to have been born free, and how distressing this would be to their free father?

It can never be imagined that His Majesty's Government, in bettering the condition of the Slaves, intended to patronise or to sanction fraud.

As an owner of Slaves I should be very sorry indeed if the construction put by the Protector upon the 34th clause was a true one, for I take it that in all and every case of manumission he is bound to protect the Slave in his or her freedom, and if he does that, he at the same time secures the owner and mortgagee of Slaves in the rightful possession of their property, and the one act is equally as desirable as the other. In the case of Charles Alexander alluded to, let us see the injury that is done to him. John Dinzy has not a farthing of property in this island, has no visible means of living, may abscond and take with him his free daughter, while Charles Alexander may go to gaol for want of 300 dollars; but if he had been advised, or was aware of the fraud John Dinzy intended to practice, he might, upon an application to the court, supported by an affidavit of the circumstances of the case, and that John Dinzy had no property and could not have given him security, have obtained an order to prohibit the manumission of this Slave until John Dinzy had paid Charles Alexander. But I deny, as an advocate, that John Dinzy had a sufficient ownership in the Slave thus fraudulently freed. The note does not transfer the Slave to John Dinzy; he only promises to pay the sum of 300 dollars, and that the property in this slave did not pass by the note.

I trust, therefore, that should your Excellency agree with me in opinion as to the necessity of the Protector complying, in all cases of voluntary manumission, with the directions contained in the 33rd clause, that he will be so ordered, securing as it thereby would, absolute and perfect freedom to the Slave, and security to owners in their Slave property.

I have, &c.

(Signed) HENRY FULLER,
Attorney General.

To his Excellency, Sir J. R. Woodford, Bart. Governor.
&c. &c. &c.

A.

Trinidad, 12th February 1824.

*D*300. of 10*s.*

Four months from date, I promise to pay to Mr. Charles Alexander, or order, the sum of three hundred dollars of ten shillings, being the amount he answered to pay Mr. Graham for my daughter Judy Dinzy.

his
JOHN ⋈ DINZY.
mark.

Witness, *John James Clark.*

No. 2.

SIR, *Protector of Slaves' Office, Port of Spain, 3 Feb.* 1825.

I have considered the subject of manumissions granted to Slaves by their owners, without valuable consideration; and I trust that the result of my reflections will satisfy your Excellency that I have not "misconceived the meaning of the Order in Council of the 10th of March last" in that respect, and that the doctrine which I propose to uphold does not involve in it "consequences as insecure and injurious to the Slaves as to their owners."

By the 33d section of the Order it is directed, "That before the manumission of any Slaves by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall by the owner of such Slave be given in writing to the protector and guardian of Slaves, who, on behalf of the Slave, shall be bound to ascertain that such owner has good right and title in the Law, and is competent to effect such manumission."

The evident intention of this Clause is to secure to the Slave a valid and effectual freedom, in consideration of the price he has paid. He has a twofold warranty—that of the master, who is bound to restore his price in case his freedom is not valid; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid instrument.

Contract is defined to be "an agreement *upon sufficient consideration* to do, or not to do, a particular thing"—and again, "a contract is the voluntary agreement of two or more persons, by which something is to be given or performed upon one part for a valuable consideration, either present or future, on the other part."

A voluntary manumission without valuable consideration paid to the owner cannot, I submit, be said to come under this definition, and, therefore, there is the strongest presumption for concluding that His Majesty's Ministers, in framing the Order in Council, intended the precautions contained in the 33d section to be taken only in the cases of private contracts for consideration, and not in the case of a voluntary and gratuitous grant of freedom.

The 34th section enacts, "That in case any Deed of Manumission shall be executed voluntary, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave shall appear before the Protector, or before the Commandant of the quarter in which he may be resident, and if it shall appear that the Slave to be manumitted is under the age of six years, or above the age of fifty, or is labouring under any habitual disease, &c. the person about to effect such manumission shall execute a bond to His Majesty, in the sum of two hundred pounds, that the Slave shall be properly fed, &c. &c."

Now if it was ever contemplated that the question of title was to be inquired into in all cases of manumission, would the Commandants of quarters have been empowered, as they are, by the 34th Clause, to execute the manumissions of persons under six, or above fifty years of age?—or rather would not their names have been omitted in that Clause, as they are in the 33d, by reason of the legal questions which might arise in a case of contract for valuable consideration?—would the provisions of the 29th Clause have been found necessary in the special cases there enumerated if the question of title was at all times to have been fully investigated?

I therefore conceive that the enactments of the 33d section were intended as exclusively for the regulation of manumissions for a valuable consideration, as those of the 34th section are for the regulation of gratuitous manumissions, and I submit, that this view is not only in perfect consonance with the general spirit of the whole order, which is expressly adapted and declared to be for the improvement of the condition of the Slaves in this Colony, but also strictly conformable to the rules of equity and good policy.

It is an incontrovertible principle in law and equity that no one can convey away, or relinquish a right, unless it is legally and uncontrolably vested in himself, and therefore, it was necessary, in order to secure the rights of Slaves wishing to purchase their freedom, to ascertain that their reputed owner was truly and legally the owner of such Slave, and that he was not incapacitated by a mortgage, or other legal lien already existing on the Slave, from granting a

valid and unquestionable manumission; this is, beyond doubt, the object of the precautions and forms ordered to be taken and observed in the case of a manumission by private contract. They are precisely the forms and precautions which would be taken in the sale or transfer for an onerous consideration of the Slave, or of any other kind of property; and the sole object in either case, is to establish and ascertain that the person to whom the consideration is paid is legally qualified to grant the right for which it is paid.

Now no such danger can arise in the case of a voluntary manumission granted without valuable consideration.—If the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee: but, on the contrary, in respect to these parties, the Deed will be null and void. The Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be. In the former case the manumission would be, *ipso facto*, null and void—in the latter, it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee—nor would the Slave himself suffer any injury; having paid nothing for his manumission, the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation.

It is true that the Attorney General, in his report on the case of Alexander and Dinzy, has pictured several hardships imposed on the master by the Order in Council; but I respectfully submit to your Excellency that these hardships, if they are so to be considered, do not arise from the Order; but are either the unavoidable casualties to which the possession of property is exposed, or are to be attributed to the improper carelessness and inattention to their interests, on the part of the owners or mortgagees of property, and that if the principles on which the doctrine of His Majesty's Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time and attention would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves.—Indeed, this addition to the duties of the Protector and Guardian of Slaves, would supersede the necessity for owners or mortgagees appointing Attornies or Lawyers to watch over and defend their interests. But I flatter myself that your Excellency will be satisfied that the premise sassumed by the Attorney General have no foundation in reason or Justice.

I, however, await your Excellency's determination on the subject, and with great respect, remain, &c.

(Signed) HENRY GLOSTER, Protector of Slaves.

To his Excellency Sir Ralph J. Woodford, Bart.
&c. &c. &c.

No. 3.

SIR, *Port of Spain, 31st August* 1825.

I HAVE considered with every attention the subject deserves, the answer of the Syndic Procurador-General and Protector of Slaves to the letter I had the honour of addressing your Excellency in the month of December 1824. I must confess that I should consider myself very unfortunate, if the subject matter of that letter should be declared to have no foundation in reason or justice. It will be my duty to endeavour to show to the contrary.

It has been most unquestionably declared by His Majesty's Government, that the Order in Council of the 10th of March 1824, was not in any manner intended to interfere with, or encroach upon, the proprietors of West India property in respect of Slaves; and that the Order in Council was intended, as in fact it is declared to be made, for the religious instruction of the Slaves in Trinidad and for the improvement of their condition.

The only real obstacle opposed by the Protector of Slaves, appears to be the additional trouble it will give him, by considering that the 34th clause is to be

governed or connected with the 33d clause; because, he observes, "that if the principles on which the doctrine of His Majesty's Attorney General is founded, are to be generally adopted, the Protector and Guardian of Slaves would be transformed into the Protector and Guardian of all the Slave owners and mortgagees in the Island, and so much of his time would be occupied in defending and preserving the rights of the owners and mortgagees, that little would remain for the investigation and redress of the grievances of their Slaves."

This plea, if true, but which I deny, ought not to be allowed to operate, because it is expected that the whole time of the Protector and Guardian of Slaves is of necessity to be devoted to the duties of his office; and if it is declared to be necessary that his time should be devoted to the objects mentioned in the 33d clause, surely the plea now offered by him will not be considered as sufficient to prevent him from devoting his time to the same objects that are mentioned in the 34th; as there can be no doubt that this last clause should be governed by the precautions ordered in the 33d.

The facts of the case, as submitted by me, and the answer of the Protector of Slaves to the questions put to him in the presence of Archibald Watherston not being denied by him, I am right in assuming that he has admitted the truth thereof.

The case of Alexander, as it actually happened, is a peculiarly hard one. John Dinzy having no bill of sale of the Slave, and not having paid for her, she is yet manumitted as his actual property. In the case of Newbold *versus* Executors of Blackwood, and in the Terceria of Joseph Wilson, Son, and Company, in the Complaint Court, it was, after a special argument, declared, that in the sale or transfer of a Slave, a bill of sale was absolutely necessary, and that the sale of a Slave otherwise than by an Act or bill of sale was not legal.

The Protector of Slaves has stated, that for the purpose of freedom it is immaterial to him who is the owner, whether the Slave is mortgaged or not, registered or otherwise, so long as any person comes to him and says, I am the owner of that Slave, and I want to manumit him voluntarily, that in such a case the Protector of Slaves merely draws the manumission, and the Slave is free. Does not such a proceeding, having reference to the case in question, militate against the declaration of His Majesty's Government, and involve consequences as insecure to the Slave as to the owner, whose property is thus in jeopardy? For the Protector of Slaves has admitted, that he would free any Slave at the mere request of an individual, who would be, as Charles Alexander has been, deprived of his property, which Charles Alexander had never sold or transferred to Dinzy. But supposing that Slave to have been mortgaged to a third person, the mortgagee would have lost his property in the Slave; for I will contend, that a Slave once freed, can leave the Colony as any other free person, and the owner and mortgagee have no remedy, except as against the person who has illegally caused the manumission of the Slave.

The Protector admits it to be the evident intention of the Order to secure to the Slave a valid and effectual manumission, and that the Slave has a twofold warranty,—that of the master, who is bound to restore his price in case his freedom is not valid; and, secondly, that of the Protector, who, at his own peril, permits the execution of an invalid manumission; but I submit that it is not to be left to the chance of solvency of the owner, or to the peril of the Protector of Slaves in permitting the execution of an invalid instrument. The instrument to be executed must be a legal and sure manumission, not at the peril of any public officer, who may die and leave no property behind after the illegal act has been committed; and in respect of his master returning the money, he may have become insolvent; in such a case the Slave would lose his money as well as his freedom, and be returned into Slavery. But suppose the Slave to have gone from the Island, where then is the remedy for the injury caused by the public officer acting upon his peril? But when His Majesty's Government has expressed in such clear terms as not to be misunderstood what its intentions were, viz.—in cases of freedom, the Protector of Slaves shall be bound to ascertain that such owner has good right and title in the Law, and is competent to make such manumission; will it be pretended after this, that the owner of a Slave has a right to manumit a Slave that is mortgaged? or that it could be ever contemplated by His Majesty's Government, that its public officer

was to manumit a Slave who was mortgaged? and being so mortgaged, that any person should appear before the Protector of Slaves, voluntarily to manumit a Slave, without its being ascertained by the Protector of Slaves whether the person so proposing to manumit the Slave "had good right and title in the Law, and was competent to effect such manumission?" I think it may be well answered, that the Government could have no such intention.

The Protector of Slaves not only seems to be of opinion, but has acted upon it, that the 34th clause has nothing to do with, nor is connected with, the 33d clause, but a little attention to that clause will show to the contrary.

The 28th, 29th, 30th, 31st, and 32d, point out the mode to be adopted in all cases where owners are not disposed to manumit, or in cases where there is any legal objection or doubt; and one of the principal disabilities is, where the Slave is under mortgage or otherwise incumbered, and great care is taken in such a case, not only to secure to the mortgagee the value of the Slave, but interest on that value, till he appears judicially to receive the same.

The 33d clause respects private or voluntary manumissions, where there is no objection on the part of the owner. But what is enjoined by the 33rd Clause, surely ought to be observed in respect of all manumissions under the 34th Clause; viz. that the Protector of Slaves, on behalf of the Slave voluntarily manumitted, shall be bound to ascertain that such owner "has good right and title in the law, and is competent to effect such manumission," no owner can have a good right and title in the law to manumit a Slave, or be competent to effect the manumission of the Slave proposed to be manumitted, if mortgaged or entailed; and in such a case is the Protector of Slaves to execute a manumission at his peril? No; he should refuse to draw the manumission unless the consent of the mortgagee, tenant in tail, reversioner, or other person interested in the Slave should join therein. And why should not public notice be given in such a case, as in that of the other manumissions under the 33rd Clause?

In the case of J. Dinzy manumitting his daughter, no consideration passed between him and his daughter, and there are no directions contained in this clause as to the execution of the manumission, except in cases above fifty and under six years; or where the Slave may labour under any habitual disease or infirmity of mind or body. By this voluntary manumission it must have been surely the meaning of the Government that the Slave so voluntarily manumitted should be effectually manumitted; but can it be the intention of the Government or the law to authorise the voluntary manumission of a Slave by the owner, that is mortgaged, without notice to the mortgagee, thereby disposing of property not belonging to the person by whose means the freedom is effected? I think not, and therefore the practising of such a fraud ought to be prevented; and how easy it is to do so, by the Protector of Slaves observing the same precautions in cases under the 34th clause, that are declared to be necessary in those under the 33rd clause. Surely the one is as necessary to be observed as the other, for they are both voluntary manumissions on the part of the owner, as far as the owner is concerned, the only difference being that in one case the Slave is freed without consideration, and the other not. So therefore, in the voluntary manumission of Slaves without any consideration, it appears to my humble judgment to be as necessary, as regards the Slave, in the one as in the other case.

The Protector of Slaves has stated, "if the Slave is not the property of the person granting the manumission, or is mortgaged by him to a third party, the act of manumission can neither confer any right on the Slave, nor injure the true owner or mortgagee; but on the contrary, in respect to these parties, the deed will be null and void, the Slave will continue to be the property of the true owner, or be hypothecated to the mortgagee, as the case might be: in the former case the manumission would be *ipso facto*, null and void; in the latter it would only have the effect of conveying away the reversionary interest which the owner might eventually have in the Slave, but could never injure the right of the mortgagee; nor would the Slave himself suffer any injury, having paid nothing for his manumission; the resumption by his master of his rights over him would deprive him of nothing, and he would only be reduced to his former situation."

Is it not true that John Dinzy disposed of property not legally vested in him, and, in virtue of that disposal, is it not true that the female Slave has left the colony for Grenada, and is now living there as a free person? Can Charles Alexander make her a Slave in Grenada? No. John Dinzy has not a shilling in the world to pay Charles Alexander; is not the latter then deprived of his property without any remedy? But if the Protector of Slaves had called upon John Dinzy to shew his title to the property, and not being able, would he have ventured at his peril to have executed that manumission? For the document produced proved that the property of the Slave was in Charles Alexander until payment, or until John Dinzy had received a bill of sale, which Charles Alexander had not given; or supposing that Slave to have been mortgaged to Charles Alexander instead of being his property, would not the mortgagee have lost all opportunity of remedying the evil after that the Slave had left the jurisdiction? and how or in what manner was the mortgagee to know that the owner was going to manumit? what notice did he receive? In other cases not only is the mortgagee publicly cited to appear, but whether he appears or not, the value of the Slave is lodged in the Colonial Treasury for his benefit, and the circumstances stated by me in my first letter are all as likely to happen as the case of Charles Alexander. But supposing the manumission of persons who have been made free for years liable to be declared null and void; when is it discovered by the mortgagee? Only when he forecloses his mortgage, and brings the property of his debtor to sale. It is then that he finds four or six Slaves so mortgaged have been voluntarily manumitted, who may be no longer in the island; so that it is impossible to declare the manumission null and void: will not the mortgagee in such a case have lost 4 or £600 sterling, and under circumstances beyond his control? For he had no notice of the illegal manumission. And are these persons so illegally manumitted, and having enjoyed the blessings of liberty, and perhaps have had free children, acquired property, or being holders of land as free settlers; are they all to be driven back again into slavery, merely because the owner did a wrong act to which the public officer was a party, having executed the manumission at his peril? Where is the remedy in such a case? Let us now see what is the proportion of manumissions for valuable consideration, and those gratuitously; in the former it is 112, in the latter 60. Is it not better then to avert such evils, and continue to uphold the security given to mortgagees, and persons having reversionary interests in Slaves, by directing, that in all cases of voluntary manumission, the Protector of Slaves should observe the precautions by which he is governed under the 33d Clause; and if it does give him a little additional trouble, is he not remunerated? And in attending to cases of gratuitous manumissions he would only do what is done by him in a case of manumission by purchase, and it is not a very laborious work. For why, it may be asked, in one case should the interest and rights of persons interested in Slaves about to be freed be so cautiously guarded and attended to, and not in the other? But the Protector of Slaves carries his doctrine to such an alarming extent as to call for an immediate remedy, for he says he would execute the manumission of a Slave brought to him by a person who declared an intention gratuitously to manumit without asking one single question, without practising the smallest formality, without ascertaining whether the Slave was registered or mortgaged. Surely under such a view of the Order in Council by him, I submit I am fully borne out in stating that such a principle involves consequences as insecure to the Slaves, as to just and *bonâ fide* mortgage creditors, and others interested, whose property is thus placed in jeopardy. I believe it is unfortunately a well known fact, that when a mortgage is foreclosed upon an estate and Slaves, nothing remains to the owner; but in all cases the mortgaged property sold is found insufficient to pay the mortgage debt; what reversionary or other interest then would the owner have in five or six Slaves that he had voluntarily manumitted, without its being permitted for the mortgagee to know, even if he was in the island, of such a fraudulent act, for he could only know it when the property was sold and these four or six Slaves were missing; but if the same precautions were adopted in both cases, his mortgage property would have been secure, as it would have been impossible for the needy mortgagee to have manumitted four or six of his Slaves, so long as they were under mortgage.

Between 24th June, 1824, and 24th June, 1825.

I have to apologize to your Excellency not only for the length of this letter, but for not having before replied to the answer of the Protector of Slaves.

I have, &c.

(Signed) HENRY FULLER, Attorney General.

His Excellency Sir R. J. Woodford, Bart, Governor, &c. &c. &c.

(No. 4.)

SIR, *Port of Spain, 3d April* 1826.

THE observations submitted by His Majesty's Attorney General, in his letter to your Excellency of the 31st of August last, on the subject of gratuitous manumission, have led me to a re-consideration of the question generally.

I cordially agree with His Majesty's Attorney General, that the Order in Council of 10th March 1824, was not in any manner intended to interfere with, or encroach upon, the rights of West India Proprietors; nor do I conceive that the principles which I contended for in my former letter had a tendency to create such interference or encroachment.

Previous to the promulgation of the Order in Council of March 1824 gratuitous manumissions were either executed privately by the owner, or were prepared by professional men. In the former case, it is almost needless to observe, that no question as to the title would be raised:—In the latter, the advocate would proceed, as in all cases of donation of property; that is, not to ascertain *the right or title* of the party, but solely to give effect to the intention of the donor by preparing an instrument in due form.

The Attorney General has stated that the only real obstacle to acceding to his views is the "additional trouble it would give me by considering the 34th Clause is to be governed or connected with the 33d Clause." This statement I beg leave most explicitly to deny—I am, and always have been ready cheerfully to discharge every duty incumbent upon me as Protector of Slaves. The only rules for the guidance of my conduct in that office, are the Order in Council of 10th March 1824, and the subsequent Orders in explanation, and while I continue to obey these, I consider no blame can attach to me. But, so far am I from considering that the 34th Clause is to be governed by the 33d, I have many reasons for adopting a contrary opinion.

In the first place, it is evident his Majesty's Ministers, in framing the Order, contemplated three distinct classes of manumissions.

29, 30, 31, and 32 Clauses.

1st, Those to be sought before the Chief Judge by reason of the owner's incapacity to execute an effectual manumission to the Slave.

2d, Those by private contract.

3d, Those gratuitously.

For the purpose of obtaining the benefit of the first class, the Protector is directed to bring the case under the cognizance of the Chief Judge, whose sanction to the manumission is testified by a certificate, under his hand, "That the proceedings required by Law have been duly had before him."

The second class brings the owner of the Slave and the Protector into more immediate contact with each other. The Protector is then the advocate of the Slave, bound to watch over his interests, to prevent the owner from exacting what he may consider more than the value of the Slave; and if the price be agreed upon, the Protector is then, at his peril, bound "to ascertain that the owner has good right and title in the Law, and is competent to effect such manumission."

The duties under these Clauses are plain and sufficiently defined:—The Judge, on the one hand, is the guarantee to the Slave of his freedom; and on the other, the Slave has always recourse upon his Protector for the amount he may pay for a manumission which may prove ineffectual to him.

The 34th Clause, which treats of the third class of manumissions, also enjoins the performance of certain duties; it is to be observed, however, that the Commandants of quarters, are equally with the Protector called upon to discharge them—and what are these duties? Not to enter into the doubtful question of right, or into the validity of title, but to prevent the master of a Slave from dispossessing himself of a subject (incapable of earning his subsistence), without

entering into bond that the person to be so gratuitously enfranchised shall be properly fed, clothed, and maintained.

These are the Clauses treating of manumissions in this Order, in which I cannot discover the principle contended for by the Attorney General—viz. "That in all cases of voluntary gratuitous manumissions, the Protector of Slaves is bound to inquire into the title of the master to manumit, before he suffers a manumission to be executed."

Had the enactment even appeared to me to be at variance with the old law and practice, or calculated to interfere with, or encroach upon, the rights of West India proprietors, although I should not have considered it in my power to act contrary to what appeared to be the true intent and meaning of the Order, I should certainly have brought the point under your Excellency's consideration.

To an individual perusing casually the Attorney General's remarks on the case of Alexander and Dinzy, it must be apparent, that the only case in which a loss may arise to the latent owner or mortgagee of a Slave manumitted by a person not vested with legal power to manumit, would be, the abstraction of the Slave from the Colony; for so long as the Slave remained within this jurisdiction, the rights of the owner or mortgagee would be effectual (notwithstanding the invalid manumission), provided the owner or mortgagee would exercise it.

In the other point of view, that is, so far as the Slave is concerned, I cannot see that the principle I contend for involves consequences insecure to the Slave. If the person proposing to manumit does not possess the power, any investigation of mine could never have the effect of creating that power.—The Slave could not be placed in a worse situation than before, in consequence of having had in his possession an invalid manumission: nor would the rights of the true owner or mortgagee be in any manner compromised.

I must acknowledge that it appears to me that a mere perusal of the 28th, 29th, 30th, 31st, 32d, and 33d Clauses must carry with them the conviction that the precautions therein enjoined to be observed are solely intended for the purpose of securing a valid manumission to the Slave in consideration of the price paid for it; although these precautions have also the effect of securing the payment of the money to the person having a legal title to it. But in the case of a manumission granted without any valuable consideration no such precautions are necessary for protecting the Slave from imposition by an invalid manumission; accordingly, the 34th Clause is the only one which relates to such manumissions, and the only precautions thereby enjoined to be observed are calculated to prevent the abandonment of a Slave incapable, through infancy, old age, mental or bodily infirmity, from procuring a subsistence. That these were the only precautions contemplated by His Majesty's Ministers is, in my humble opinion, evident, as otherwise why should the Commandants of Quarters be invested with powers to complete manumissions without valuable consideration, while they are not vested with any power to effect those for valuable consideration, unless a difference in the necessary formalities was contemplated. The reasons for such an enactment are clear. In the case of manumissions for valuable consideration, a Law Officer alone could protect the Slave from imposition; and a Law Officer, the Protector of Slaves, alone can, by the Order in Council, effect such manumission. In the other case the intervention of a Law Officer is not requisite for the protection of the interests of the Slave, and by the 34th clause these manumissions can be executed before the Commandants of Quarters, who are capably of carrying the intentions of the Government on this subject into effect, as fully as the Protector of Slaves. This peculiarity of the 34th Clause appears to me to be an unanswerable proof of the intention of His Majesty's Ministers. Of this argument in my former letter the Attorney General has not condescended to take any notice.

There are circumstances connected with the case of Dinzy to which I shall now consider it my duty to advert.

Alexander sold the girl to her father, John Dinzy, a needy man, a resident of Grenada, but then at Trinidad. The price was agreed, and upon Dinzy giving his obligation to Alexander, payable at a distant date, the girl was delivered to her father. The consequences that ensued were natural; and had the feeling of paternal love ever warmed the heart of Alexander, he must have

known that the silent voice of nature would have instigated Dinzy to liberate his child from slavery the moment he had an opportunity. Dinzy has procured a manumission for his child, but whether that manumission is or is not valid, is the question now at issue between the Attorney General and myself.

If Alexander is advised that the manumission is a nullity, why did he not exercise his alleged rights of ownership over the girl when she was within this jurisdiction? Why has he not apprehended her in Grenada as a fugitive Slave, falsely alleging herself to be free under a manumission obtained fraudulently by Dinzy from the Protector of Slaves of Trinidad? Why, in fact, does not Charles Alexander exercise his authority over his alleged Slave, in lieu of wasting his time and his substance in making complaints to your Excellency, which cannot be redressed while the Law exists as at present?

I shall conclude by endeavouring to impress upon your Excellency that it is my wish to discharge my duties conscientiously, and without injury to any party, but bound, as I am, to govern myself by what appears to me to be the true intent and meaning of the Order in Council, I cannot, until I receive further instructions, adopt the line of conduct suggested by the Attorney General.

I have, &c.

(Signed) HENRY GLOSTER,
Guardian of Slaves.

His Excellency Sir Ralph J. Woodford, Bart. Governor,
&c. &c. &c.

No. 7.

Sir, *Downing Street, 15th August* 1826.

I HAVE received your despatch of the 25th February last, and my Under Secretary, Mr. Wilmot Horton, has laid before me your letter to him of the 27th of April 1826, with its enclosures.

I have attentively considered the arguments of the Attorney General, and of the Protector and Guardian of Slaves, upon the question to which the case of the female Slave, named Judy Dinzey, gave occasion. With reference to the particular case of that individual, it is not necessary for me to issue any instructions. If, as it is asserted, the person by whom she was manumitted had no power to effect her manumission, she of course remains in a state of slavery. Her claim to freedom, like that of every other person, will, if necessary, be decided by the ordinary tribunals of the Colony.

The general question, however, is of considerable importance, and is by no means exempt from difficulty. On the one hand, if it were always to be required, as the condition of a voluntary manumission, that the party effecting it should first establish a legal title to the Slave, I am afraid that such a rule might operate as a very serious impediment to the exercise of private benevolence. The title to any one plantation Slave is generally the same with the title to the rest, and usually involves the title to the land and buildings on which the Slaves are employed. Now, many persons may have a good title, so far as actual possession, and natural equity and justice, are concerned, who have at the same time very sufficient reasons for declining a critical investigation of it, according to the strict rules of law. It is further to be observed, that if this condition were imposed upon every gratuitous manumission, the party effecting it must in every case be required to repair to the town of Port of Spain, since the decision of questions of law, so difficult and important, could not safely be committed, except to persons habitually conversant with the principles and practice of the Supreme Courts. Neither can I omit to remark, that it would be scarcely consistent with justice, if the law, which (when the right of the Master is in question) is satisfied with the presumption arising out of actual possession, were altogether to reject that presumption, when the question regarded the Master's right of manumission.

On the other hand, it is not to be denied that the emancipation of a Slave before the Protector, without any investigation of title, might give occasion to very serious embarrassments. It is unnecessary to controvert the opinion of the Protector, that such emancipations, unless they be effected by the real proprietor, will avail nothing in point of law. It is enough to say that they would

probably have a very serious and injurious effect in point of fact. It is impossible but that a deed of manumission, passed before the proper officer, and solemnly authenticated by him, should carry with it very considerable authority. In the Island of Trinidad itself, and much more in neighbouring Colonies to which the manumitted Slave might repair, such an instrument would unavoidably raise a very high presumption in favour of the validity of the act of manumission, and would proportionably impede, if it did not wholly defeat, the efforts of the real owner to re-claim his property. Yet it is plain that the deed of manumission would be entitled to no such authority, and ought to produce no such effects, if the Protector were to perform only the ministerial office of ascertaining the health and age of the Slave, and were altogether to decline the investigation of the title of the asserted owner.

Under these circumstances, His Majesty's Government have deemed it right, that the duty of the Protector and Guardian of Slaves, in case of voluntary manumissions, should henceforward be understood to be as follows:

Whenever a Slave shall be brought before the Protector and Guardian of Slaves, or before the Commandant of the quarter, to be manumitted voluntarily, the Protector and Guardian, or Commandant, as the case may be, shall, in addition to the duties expressly imposed on him, by the Order in Council of the 10th of March 1824, apply to the Registrar of Slaves, and to the Registrar of Deeds and Mortgages for Certificates to the following effect: To the Registrar of Slaves he is to apply for a certificate of the name of the person by whom the Slave in question was last registered as his property. To the Registrar of Deeds and Mortgages he is to apply for a certificate of the fact, whether by the Records in this office it appears that there is any mortgage or other incumbrance in existence, to which the Slave in question is subject. The Protector and Guardian, or the Commandant, as the case may be, will refuse to allow the voluntary manumission, in every case where it shall appear that the party proposing to effect it is not the registered owner, or where it shall appear that there is any mortgagee or other person having a charge upon the Slave, who is no consenting by himself, or by his authorized agent, to the manumission.

If it should appear in any case by the certificate of the Registrar of Deeds and Mortgages, that the person desiring to effect a voluntary manumission, has only a temporary interest in the Slave, and that there are other persons holding a future or reversionary interest, the voluntary manumission must not be effected without the consent of the persons holding such future interests: For were this permitted, the Slave being in the immediate enjoyment of liberty, would either quit the Colony or acquire habits of life which would disqualify him from returning to a state of slavery, at the expiration of the temporary interest of his immediate owner. Nor will the Slave sustain any real prejudice by such a regulation. If he possesses the means of purchasing the reversionary right to his own services, the Order in Council enables him to effect a compulsory manumission, as against the reversioner. If he has not those means, he will probably be able by honest industry to acquire them during the continuance of the temporary interest of the immediate owner. For the same benevolence which induces the immediate owner to seek the present manumission of his Slave, will, if it be genuine and sincere, induce him to give the Slave the present command of his own time; even though the manumission itself be not accomplished.

You will therefore issue to the Protector and Guardian of Slaves instructions for his guidance, founded upon the principles explained in this despatch, and in conformity with them. He will be distinctly apprized that while on the one hand he is to apply for the certificates I have mentioned, he is on the other hand to investigate the question of title no further than as those certificates may explain it. Of course it was not the intention of His Majesty's Government, nor is it, I conceive, the right construction of the Order in Council, that an act of manumission by a pretended owner, should defeat or prejudice the right of the real proprietor. With the precautions which I have pointed out, I trust that it will be found possible to avoid both the danger of indirectly injuring the real owner, and the risk of checking the exercise of private benevolence.

The certificates from the offices of the Registrar of Slaves, and of the Registrar of Deeds and Mortgages, must be given gratuitously.

You will promulgate in the usual manner, for the information of the public,

the instructions you may give on this subject to the Protector and Guardian of Slaves, and you will immediately communicate a transcript of them to me.

I have, &c.

(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 8.

My Lord, *Trinidad, 12th April 1826.*

YOUR Lordship is already aware, that the Order in Council of the 10th March 1824 provides for the admission of Slave testimony in all Courts of Justice, by virtue of a certificate, to be granted in the manner prescribed by the 36th Clause, whereby the party to be adduced as evidence is declared to be sufficiently instructed in the nature and obligation of an oath.

And it will be within your Lordship's recollection, that as by the Order in Council of the 16th September 1822, for the establishment of new Courts of Justice, it was declared to be competent to the Criminal Court to admit as witnesses persons not free, but otherwise competent under the law of England, it became one of the questions, proposed by the Committee that was formed in the Colony by the opponents of the Order in Council, whether the tenor of the 36th Clause, of the Order of 10th March 1824, was to be considered as abrogating the provision of the Order of the 16th September 1822, although that provision was renewed at the conclusion of the said 36th Clause; and, upon reference, your Lordship was pleased to declare that it was not to be so considered. Nevertheless, such an explanation has from time to time been given to it in the Criminal Court, though only one certificate has been exhibited since the Order has been in force; Slaves have sometimes been received, at other times rejected; and on a late occasion, however, of a very serious charge brought against a free black, an extremely bad subject, the rejection was the more to be regretted, as the Attorney General was thereupon obliged to relinquish the prosecution.

When this came to my knowledge, and I was informed by the Attorney General that other trials of importance were depending, in which he expected that the evidence of Slaves would be mainly instrumental in bringing the offenders to justice, I directed that officer to prepare a Report, which should embrace the draft of an Order that would determine the question, until I could report the same to your Lordship for His Majesty's information; and having communicated the same to the Chief Judge, who had always considered the point as left in the discretion of the Court, a Proclamation was issued, in conformity with his Honour's suggestions, in the terms which I have now most humbly to submit for the King's approval; and, in so doing, I have considered that it were better to remove the discretion from the Court, than to permit the continuance of a system which would always lead to argument and uncertainty, in every case brought before them.

I have also felt, that unless it had been in contemplation to exclude Slave evidence, it could never have been intended to require, as a *sine quâ non*, a qualification, for which the means of attaining it are totally inadequate, and which the Catholic clergymen will not easily grant. I have confined the admission of this description of evidence to the Criminal Courts, which is at once in unison with the limitation of the provisions of the Order of September 1822, and, as I trust, with your Lordship's intentions.

I cannot, however, but confirm and reiterate to your Lordship the expressions of the Chief Judge in support of the early adoption of measures for the instruction of the Slave population, which, unless provided by His Majesty's Government, together with all things thereto appertaining, will, I fear, remain disregarded, as much from want of fit persons and proper establishments in the Colony, as from the inability of the proprietors of Slaves to procure them.

I enclose the correspondence that took place on this occasion,

And I have, &c.

(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

SIR, *Port of Spain 3d March* 1826.

I DEEM it my duty to inform your Excellency, that on the 21st instant came on to be tried, before the Court for the Trial of Criminal Prosecutions, the case of a free black man, named Andre Bordenave, charged with having committed a rape in a cane piece, on a Slave girl of a very tender age.

The fact of the carnal knowledge was admitted by the accused, but he declared it to have been with the consent of the girl.

The evidence, however, of this girl before the Court of Criminal Inquiry, and her immediate complaint of the injury done to her, together with other circumstances connected with the case, leave no room to doubt but that the offence was committed in a violent and forcible manner.

At the trial, the first and the only witness to a crime which is generally committed in secret, was the girl herself, who, being a Slave, was objected to by the advocate of the accused; and after a solemn argument thereon, she was rejected by the Court as an incompetent witness, under the 35th and 36th clauses of the Order in Council of the 10th March 1824, she not having the certificate as mentioned in those clauses.

I contended that, under the annexed extracts from the Orders in Council, and the accused being himself a free *black* man, that the girl was a good witness, and ought to be examined, the accused not coming within any of the provisoes of the 36th clause; and further, that the power granted to the Court by the Order in Council of the 16th September 1822, was expressly reiterated and delegated to it by the 36th clause of the Order in Council of the 10th March 1824, and that the framers of this Order had seen the difficulty attending the rejection of Slave testimony, without the certificate mentioned in the 35th clause, and had therefore given to the court the same power of admitting Slaves, as it had under the previous Order, except in those cases in which Slave testimony is expressly prohibited by the 36th clause.

A case of murder by one Slave upon another is to be heard on Monday, in which all the witnesses to the fact are Slaves, and the suit will be dismissed on the same ground as that against Andre Bordenave. In most cases the witnesses are, as they always must be, Slaves; and were they to be totally excluded unless they had the certificate alluded to, although they understood the nature and obligation of an oath, I am apprehensive that crimes would increase, and that offenders would escape punishment altogether.

I also submit the impossibility of a compliance with the 35th clause, within any limited time; it must be the work of years, and dependant principally upon ministers and teachers, which we have not beyond what are only and absolutely necessary for the towns of the island, and even then insufficient.

The obtaining of these certificates must therefore be a work of time and instruction.

Under these circumstances I have the honour to submit, for the consideration of your Excellency, the draft of a Proclamation in the name of the King, by which, if you approve thereof, the doubts entertained by the Courts as to the admission of Slave testimony will be removed, justice will thereby be more certainly administered, and offenders will not escape with impunity.

I have, &c.
(Signed) HENRY FULLER, Attorney General.

Extract from the 36th Clause of the Order in Council of the 10th March 1824.

PROVIDED always, that nothing herein contained shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the said Colony now hath, to admit in any case the evidence of persons being in a state of slavery.

Viz. under the Order in Council 16th Sept. 1822.

Extract from the 14th Clause of the Order in Council of the 16th September 1822.

PROVIDED also, that in *all Criminal Cases* it shall be in the discretion of the Court in which any charge is depending, to admit as witnesses persons not free, who in other respects would be competent, according to the Law of England, to give evidence in such cases.

TRINIDAD.

By the King.—A Proclamation.

WHEREAS doubts have arisen as to the authority of the Courts of this Island to receive the testimony of persons being in a state of slavery, unless they hold the certificate mentioned in the 35th clause of the Royal Order in Council of the 10th day of March, 1824; with reference therefore to the latter part of the 14th clause of the Order in Council of the 16th day of September, 1822, and the latter part of the 36th clause of the Order in Council of the 10th day of March, 1824, and in order to remove all such doubts, we do hereby declare, that in all and every case (excepting those in which the evidence of Slaves is expressly prohibited to be received, as declared in the said 36th clause of the said Order in Council), all Courts in the said Island are authorized and commanded to admit in any case, civil or criminal, the evidence of persons being in a state of slavery: Provided always, nevertheless, that every such person so tendered as a witness shall have been baptized, and shall upon oath declare, to the satisfaction of the Court, as to his or her belief and understanding of the nature and obligation of an oath, according to the Law of England in such cases; and, provided always, that the credibility of any such witness be matter for the consideration and determination of the Court.

SIR, *Government House, 3d March 1826.*

I LOSE no time in transmitting to you the enclosed Report from the Attorney General, upon a construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, touching the admission of Slave evidence in offences brought before that Court, and the rejection of which, it is apprehended, will tend to facilitate the escape of criminals.

I cannot but advert to the provision made by the Order in support of the provisions of the 14th clause of the Order of the 16th September 1822, establishing the Court, and to the explanation given by His Majesty's Secretary of State of the 11th September 1824, of which you have been informed. All these concur in admitting, in certain cases and under certain provisions, as evidence, persons in a state of slavery. Of this explanation I transmit a copy.

I therefore am desirous of receiving your Honour's Report of the matter, and if you should concur in opinion with the Attorney General, that you would be pleased to signify your approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it as may be deemed by you to be expedient.

I have, &c.

(Signed) RALPH WOODFORD.

The Hon. Ashton Warner, H. M. Chief Judge.

SIR, *Belmont, 4th March 1826.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 3d instant, transmitting the Attorney General's Report upon the construction that has been given by the Court of Criminal Trial, to the 35th and 36th clauses of the Order in Council of the 10th March 1824, respecting the admission of Slave evidence in offences brought before the Court; and expressing your desire of receiving my Report in this matter; and, if I should concur

in opinion with the Attorney General, requiring me to signify my approbation of the draft of the Proclamation that has been prepared by that officer, or so amend it, as I might think expedient.

It has always appeared to me that in the commencement of the 36th clause, of the Order of the 10th of March 1824, the general principle of law is recognized that Slaves are incompetent witnesses, and that the primary and chief object of that clause was to remove any such objection to their competency, so soon as they should have been found sufficiently instructed to understand the nature and obligation of an oath, of which proof should be afforded by the production of the certificate, for which provision is made in the 35th clause, excepting however in cases of civil actions, in which the owner may be directly concerned, or in any case in which a white person may be charged with any offence punishable with death, in which latter cases, Slaves are still incompetent witnesses, even though the certificate be produced; Then follow two provisoes, the first declaring that nothing therein declared should extend to take away or diminish the authority of any Court, to admit in any case the evidence of persons being in a state of slavery; the second, that no Slave shall be a competent witness, in any case in which such Slave would be incompetent if of free condition.

It is unnecessary for me to refer your Excellency to the preamble of this order, as expressive of His Majesty's intentions in its promulgation, or to remind your Excellency that no person of whatever condition can be received as a competent witness, who is not capable of understanding and appreciating the obligation by which he binds himself to speak the truth; and as the 35th clause of the Order of the 10th March 1824, provides the surest means of ascertaining the competency of Slaves in this respect, in the estimation of those whom the law considers best qualified to judge, it has been my opinion that admitting the Court to have the fullest discretion to receive the testimony of Slaves, or to reject it, such discretion is best exercised by requiring the certificate, and rejecting the evidence unless it be produced. By this course, it seems to me, that we best give effect to the intentions of His Majesty's Government in the promulgation of the Order, and enforce the observance of a clause, which will otherwise, I fear, for ever remain a dead letter. I am not aware in what manner the Court can with justice or consistency, exercise the discretion given to it, than, either by receiving the evidence in all cases, leaving the Court solely to judge of its credibility; or rejecting it in all cases without the certificate.

If you should be of opinion with the Attorney General, that the latter course should be pursued, I think the question of competency should no longer be left discretionary with the Court; with this view I beg to submit to your Excellency the draft which I have prepared; that of the Attorney General not appearing to me sufficiently full and explanatory. In the event of your Excellency's adopting this Order, however, I beg to suggest the propriety of a recommendation to His Majesty's Ministers that measures should be taken, with as little delay as possible, to qualify the Slaves under the provisions of the 35th clause of the Order, and to prohibit the Court from receiving, after a period to be limited, the testimony of Slaves in any case without the certificate. I think, moreover, that the invidious distinction in favour of white persons, when charged with any offence punishable with death should be done away with. See Proclamation.

I beg to return the Attorney General's Report, in compliance with your desire,

And have, &c.

(Signed) ASHTON WARNER.

His Excellency the Governor,
&c. &c. &c.

TRINIDAD.

By his Excellency Sir Ralph James Woodford, Bart. Governor and Commander-in-Chief in and over the said Island and its dependencies, Vice-Admiral of the same, &c. &c.

A Proclamation.

WHEREAS by the 14th clause of the Order of His Majesty in Council, bearing date the 16th September 1822, providing for the more speedy administration of justice in criminal offences committed in this Island, it was amongst other things provided, that in all criminal cases it should be in the discretion of the Court in which any charge was depending, to admit as witnesses persons not free, who in other respects, would be competent according to the law of England to give evidence in such cases. And whereas, by the 35th clause of the Order of His Majesty in Council, bearing date the 10th March 1824, providing for the religious instruction of the Slaves in this Island, and for the improvement of their condition, it was ordered, that every Clergyman of the Established Church of England, and every Minister of the Church of Scotland, and every Priest or Minister professing the Roman Catholic Religion in the said Island, and every other person being a public teacher of religion within the said Island, should, and was thereby authorised to transmit or deliver under his hand to the Commandant of the quarter in which he might be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, might be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath, and that the Commandants of the several quarters in the said Island should, and they were thereby required to transmit such certificates to the Protector and Guardian Slaves, who should, and was thereby required to register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same might have been granted, and of every Slave mentioned and included therein, subject however to a proviso, whereby it was declared, that no Priest, Minister, or public teacher of Religion, not being a Clergyman of the Church of England, or a Minister of the Kirk of Scotland should be competent to grant any such certificate, unless His Majesty's Principal Secretary of State for the Department of the Colonies, or the Governor or Acting Governor for the time being of, this Island of Trinidad should have granted to such priest, minister, or public teacher, a licence in writing to grant such certificates, and unless such licence should be in force, and have been first registered at the office of the said Protector of Slaves. And by the 36th clause of the same Order, it was further ordered, that no person should thenceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the said Island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness should produce or exhibit to the Court a certificate under the hand of the said Protector and Guardian of Slaves, that such proposed witness is registered in the before-mentioned book. And the said Protector of Slaves was thereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness was or was not registered in the said book; subject nevertheless to a proviso, whereby it was declared, that no person being in a state of slavery should be admitted to give evidence in any civil suit or action in which his or her owner was directly concerned, or in any case were any white person might be charged with, or prosecuted for any offence, punishable with death; and to a proviso, whereby it was declared, that nothing therein contained should extend to take away or diminish any power or authority which any Court of Criminal Jusisdiction in the said Colony, then had to admit in any case the evidence of persons being a state of slavery. And to a further proviso, whereby it was declared, that nothing therein contained should extend or be construed to extend to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

And whereas doubts have arisen whether under the said recited clauses of the said Order of His Majesty in Council of the 10th March 1824, the discretion

given to the Court by the said in part recited clause of the said Order of the 16th September 1822, to admit as witnesses in all Criminal Cases persons not free, who in other respects would be competent according to the law of England, has not in fact been limited, and very considerably diminished by the said Order of the 10th March 1824. And whereas it appears to be necessary, not only, that such doubts should be entirely removed, but that the admissibility of the testimony of Slaves as competent witnesses should be ascertained and determined: Be it therefore, and it is hereby ordered, that no person shall henceforth be rejected as a witness, or be considered as incompetent to give evidence in any Court of Criminal Justice in the said Island, by reason of him or her being in a state of slavery, if such person would in other respects be a competent witness, if of free condition according to the Law of England; and that the production of a certificate under the provisions of the 35th and 36th clauses of the said Order in Council of the 10th March 1824, shall in no case whatsoever be necessary to render such person a competent witness.

Provided always, that no Slave shall be admitted to give evidence in any case whatsoever, either with or without such certificate in any Civil Suit or Action in which his or her owner is directly concerned, or in any case wherein any white person may be charged with or prosecuted for any offence punishable with death, any thing contained in this Order, or the said Order of the 22d September 1822, and the 10th March 1824, in any respect notwithstanding.

And it is hereby further ordered, that if any Slave who shall be received and duly sworn as a witness in any of the Courts of the said Island, shall be convicted of giving false testimony, such Slave shall be subject to all the pains and penalties provided by the law for the prevention and punishment of perjury.

Given under my hand, and the great seal of the Island, at Government House, in the town of Port of Spain, this 6th day of March, and in the year of our Lord one thousand eight hundred and twenty-six.

(L. S.) (Signed) RALPH JAMES WOODFORD.

By his Excellency's Command,

(Signed) FREDERICK HAMMETT,
Acting Secretary.

No. 9.

SIR, *Downing Street, 22d June 1826.*

I HAVE received your despatch of the 12th April last, enclosing a Proclamation issued by yourself with the advice of your Council, for explaining the Orders of the King in Council, of 16th September 1822, and of the 10th March 1824, respecting the admissibility of the evidence of Slaves.

I observe, that the Chief Justice of Trinidad is of opinion, that admitting the Court of Criminal Trial to have the fullest discretion to admit the evidence of Slaves or to reject it, such discretion is best exercised by requiring the Certificate mentioned in the Order of the 10th March 1824, and rejecting the evidence unless it be produced, and I perceive that the Court has acted upon this opinion.

Without wishing to derogate from the respect due to every judicial decision of the Chief Justice, I cannot avoid expressing my surprize and regret, that he should have adopted such a construction of the Orders in Council. The undoubted meaning, and as I should have conceived the only reasonable interpretation of those Orders, was, that Slaves producing the certificate would be admissible witnesses in all cases, and that Slaves not producing the certificate would be admitted or rejected according to a sound discretion to be exercised by the Court on a careful consideration of each particular case. But the Chief Justice entirely disclaims the exercise of any such discretion, and thus, as it would seem, virtually annuls this part of the Order of the King in Council of September 1822.

However inconvenient the consequences of this decision may have been, I cannot approve the course you have adopted to remove them. The Proclamation which you have transmitted is directly at variance with the terms of the

Royal Order, and the King cannot recognize any authority in the Governor and Council of Trinidad, to revoke or alter an Order made by His Majesty with the advice of his Privy Council.

When the Order in Council of March 1824 was promulgated, some Proclamations explanatory of its meaning were issued by you under my immediate direction, and in consideration of the novelty and urgency of the occasion, His Majesty was pleased to sanction that mode of proceeding, however, apparently inconsistent with general constitutional principles. But it was always the intention of His Majesty's Government, that this concession should not be drawn into a precedent, but that your Proclamations should be embodied in a new Order in Council, which would terminate every question respecting their legal validity and effect. You are apprized of the reasons which have hitherto prevented the execution of this purpose, but I hope to be able shortly to transmit to you an Order of the King in Council, embodying all the provisions of the Order of the 10th of March 1824, with the amendments and explanations it has since received, and in the new Order provision will be made for setting at rest the question now raised by the Chief Justice of the Colony.

I have, &c.
(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 10.

My Lord, *Trinidad, 27th August* 1826.

I HAVE had the honour of receiving your Lordship's dispatch of the 22d June, by which I regret to find that the Proclamation issued by me on the admission of Slave Evidence in Criminal Prosecutions has not received your Lordship's approbation, from its appearing to your Lordship to be at variance with the terms of the Royal Order, which could only be altered or revoked by the like authority.

Had this Proclamation appeared to me in a similar light, I beg leave to assure your Lordship, that I should certainly have abstained from the assumption of a power which I am well aware would be irregular as well as indecorous, and which I have carefully avoided, as your Lordship will have observed from the various Orders in Council from time to time proposed by me, some of which are still under your Lordship's consideration.

I trust therefore that I shall stand acquitted of any intention of presuming to make enactments in Law, contrary to the tenor of the declared pleasure of His Majesty.

I will beg of your Lordship permission to observe, that the purport of the Proclamation in question was, in my view, nothing more than the application of the provisions of the Royal Order of the 22d September 1822, to the Royal Order of the 10th March 1824.

The proviso in this last Order for saving and continuing the authority of the 14th Clause of the Order of September 1822, being only recited in terms more positive and directory, so as to bring the application of the Law within the view which your Lordship's despatch before and now again explains, and therefore intended to support, certainly not to oppose, any of the provisions of either of the Orders of His Majesty; but having previously received your Lordship's interpretation of the Clause, I considered that a public declaration of it, for the purpose of setting at rest the irregularities of the practice, would only have been in accordance with the previous measures adopted on this occasion, and was in itself justified by the urgency of the case, as the Attorney General represented.

Had I not been aware of your Lordship's reading of this Clause, I should of course have first referred the matter for your Lordship's instructions.

I have, &c.
(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

No. 11.

My Lord, *Trinidad, 26th April* 1826.

SINCE the formation of a Savings Bank for Slaves, numerous applications have been received from free persons to be admitted to the benefit thereof, and as such an establishment may be reasonably expected to be productive of good effects among a class of persons who at present are confessedly extremely improvident, I have submitted to the Council, that a general Savings Bank should be established, the deposits being placed in the Colonial Treasury, and the depositors allowed the legal interest of 6 per cent.; and the Council recommend that your Lordship would be pleased to obtain the sanction of His Majesty in Council to such an establishment, pledging the revenue of the Colony for the amount deposited, and charging it with the interest, and authorising such rules as your Lordship may think fit to recommend, or that the Governor in Council may hereafter proclaim and transmit for His Majesty's approval or disallowance.

I have, &c.

(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

No. 12.

Sir, *Downing Street, 18th July* 1826.

I HAVE received your despatch of the 26th April last, and I approve of the formation of a general Savings Bank, *on the understanding that it will be in every respect common to free persons and Slaves.*

You will, therefore, with the consent of your Council, pass an ordinance for this purpose, directing that the deposits be placed in the Colonial Treasury, which shall be pledged for the amount, the legal interest of 6 per cent. being allowed to the depositors. With regard to the regulations which should be adopted for the management of a common Savings Bank, I am unable, under the difference of circumstances in a West Indian community, to do more than recommend generally to your attention the Acts which have been successively passed by the British Legislature, for the purpose of effecting the improvements which experience suggested in the management of Savings Banks. Copies of these Acts have been already transmitted for your information.

I have, &c.

(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 13.

Extract from a Letter from Sir Ralph Woodford, Bart. Governor of Trinidad, to R. W. Horton, Esq. dated 27th April 1826.

YOUR letter of the 20th March, desiring me to furnish you, by return of post, with a report of any practical difficulties in the execution of the Order in Council of 10th March 1824, for Lord Bathurst's information, I will endeavour to comply with, as well as my means and the shortness of time permit. I will first go over the Order.

The 5 first clauses do not require observation; but I think the Protector should not be allowed to act in his profession, if a barrister.

Clause 6.—Protector should be declared a magistrate only in all the quarters.

8.—Protector cannot attend *all* trials in which offences against the person of a Slave are tried, or Slave property may be questioned: it should be limited to

such actions as are cognizable in the principal courts held in the Island, and be discretionary in the Protector to attend.

10.—Eight o'clock on Saturday night, and four o'clock on Monday morning, would be better hours than those of sun-set and sun-rise, and which trench unnecessarily on the master's wants.

The restriction on Slaves working on Sundays for hire were better removed, as it is easily and generally evaded. Though it has not been common, for some years past, to see Slave mechanics working in town on Sundays as formerly; and until there be instruction for them, they are best at work.

11 —Requires revision, being confused: proposed on 7th May 1824, in dispatch (separate) No. 545.

12.—I think the Demerara alteration, of the night instead of the 24 hours as the time to elapse previous to punishment, an improvement.

15.—Returns of punishments should not be oftener than twice a year; perhaps once would be sufficient after a probationary period, They are much reduced here, and I think a December return would be enough.

19.—Commandant to swear before his neighbour, and report those that omit to appear before him. To sick persons more time should be allowed.

21.—Has been generally objected to in a legal point of view. On this clause, see enclosure to Dispatch No. 580.

22.—The Slave desirous of marrying should apply to the master, and, in case of his refusal, to the Magistrate, who could do the needful. But the propriety of these marriages is very doubtful, and I think they should be recommended by the clergy when the parties are fit. The people are decidedly averse to them.

25, 26.—Slaves might be permitted to commute a corporal punishment for a money payment, if they were possessed of an investment in the Savings Bank; and Magistrates might be authorised to make order for such payment, with notice to the Protector. Interest might be 6 per cent.

27.—Restricts the weekly deposits, but without compelling Slaves to account for any large sum of money carried to the Protector for manumission.

29, 30.—Alterations suggested in October 1824, transmitted in despatch, No. 580, still required.

31.—The money might be paid at once before the Judge.

See this Correspondence, and Chief Judge's opinion, since received.

33.—A great doubt arises upon the obligation of the Protector to inquire into the validity of private manumissions, which should be determined.

34.—This is evaded, as regards infants, by having them registered as free in the Church Register when baptized.

35.—The validity of this clause must depend on the extent of the establishment afforded for this object.

36.—See proclamation of the 6th of March last.

41, 42.—The fines in these clauses are much too heavy, and the punishments for a second offence are unreasonably menacing.

Now as to practical difficulties, as far as I know them. The first in order is the prohibition of Sunday's labour. Potting sugar is now become a voluntary act: the people that choose to attend get, what all got formerly, a good lump of the sugar. This indulgence is now not given to them who do not *proffer* their assistance. Working in their grounds is common to all industrious negroes on the Sunday; but the idle avoid it, and by some masters are not forced to it. Hiring themselves out is common to negroes on Sundays: the driver, boiler, or some chief, hire others in their grounds on Sundays, and in the week days they hire *free people.*

It becomes a practical difficulty when the smaller planters are so situated as to be deficient in energy to repress the violence of turbulent women, and are, perhaps, unable to keep the Record Book. *All* complain of the time lost by the use of the stocks, and the postponement of punishments to the men. But some of the planters, that were most averse to the Order, among the foreigners, have acknowledged to me that their apprehensions had not been followed by any results. All, however, admit that it requires great patience to bear with the provoking tongues and noise of the women. The commitments to the gaol of this class are for that particular offence, and I think it certainly creates the greatest difficulty.

In other points I beg to refer to my despatches, particularly those of 545, 580, 662.

I entreat of his Lordship to render the returns as rare as possible; and I hope that, considering the responsibility attaching to the due keeping of the Record Book, a return at Christmas of the entries in the course of the year will be sufficient.

The Protector sends me a Report, which I enclose. I have also received a note from the Chief Judge, Mr. Warner, which I copy, and forward likewise.

Since closing my letter, I have received the accompanying communication from the Attorney General.

Extract from a Letter from Mr. Warner to Sir Ralph Woodford, dated 27th April 1826.

THE question of the foreign Slaves, has occupied so much of my consideration since I received your letter, that I have not time to enter into the consideration of the Slave order: some few difficulties have occurred in practice, which I will take an early opportunity of stating to your Excellency; but I cannot say, that I think the case which has been the subject of communication from the Attorney General and the Protector of Slaves to be one of them. Such a case will probably never occur again, and I think any direction to the Protector of Slaves, in respect of voluntary manumissions, had better be avoided, as tending to throw an impediment in the way of manumission. If the Protector was directed in all cases, to refuse the execution of a deed of manumission, unless the party manumitting produced a good title to the Slave intended to be manumitted, the consequence, I am satisfied would be, that many difficulties would arise, and complaints of refusal occur, and that no reasonable objection can be made to the law as it stands upon this head.

The principal practical difficulties that have occurred, have arisen upon questions of evidence, and some of the formalities in the manumission clauses may, I think, be avoided, and much trouble be thereby saved. I think also, the money intended to be applied in the purchase of manumission, ought, in the first instance, to be deposited in the Savings Bank: this would afford to the proprietor a fair opportunity of objecting to the deposit, in case he should have any valid objection to make.

Remarks upon the Order of the 25th March 1826.

14th and 15th Clauses.—UNDER these, a difficulty arises, when a manager or overseer removes from an estate between the periods of the quarterly returns: these persons may be compelled to swear to their returns previous to their removal.

16.—Sometimes ineffectual for the above reason, the successor not being competent to take the oath required.

29.—This Clause enables "ANY SLAVE to purchase the freedom of himself, or of his or her wife or husband, &c." The words "*any person,*" would more effectually promote the object of this part of the Order.

Under this Clause, Slaves have experienced **some** delay in obtaining their freedom, when their owners have been willing **to** receive their value. This delay is occasioned by the insertion of a notice in the Gazette during three successive publications, while a summary proceeding might be had recourse to in many cases: as for instance, where the interests of minors, married women, lunatics, or idiots, are affected, their persons may be represented by their legal guardians. Individuals also, who may demand a price above the presumed value of the Slave, may also be directed to appear, on a short notice, to name an appraiser, and the appraisement may proceed as directed by the thirtieth clause.

(Signed) HENRY GLOSTER, Guardian of Slaves.

Extract, &c. &c. &c.

Port of Spain, 27th April, 1826.

THE time allowed me to answer your Excellency's note, is so short, that I can only give a very insufficient answer thereto.

6.—The Protector of Slaves being declared to be a Magistrate, he should exercise the power vested in him to punish any false or unfounded complaint, instead of sending the Slave who has made an unfounded complaint to his owner, who then punishes him for the same, the Slave is then under the impression that he is punished, not for having made an unfounded complaint, but for having made a complaint, whether just or false.

9.—His Majesty hath not made any provision for the religious instruction of the Slaves in Trinidad.

16.—The returns should be permitted to be made half-yearly, from the trouble and difficulty in making them quarterly, and no good results from the same being made quarterly.

21.—Under this clause, the Protector of Slaves instituted a criminal prosecution in the name of the King, and it was dismissed because it was not instituted by the Attorney General, although it is declared that the Protector shall conduct all prosecutions under this clause. It therefore wants explanation.

33 to 34.—The same rules in respect to freedom that are prescribed in the 33d clause, ought to be extended to the cases of freedom mentioned in the 34th clause, for the reasons already submitted by the Attorney General to the Governor.

35.—The objects of this clause never can be effected until His Majesty provides for the religious instruction of the Slaves, although it is so necessary to the well-being of the Slaves; and the end and object of the Government is, that the Slaves should be afforded the benefit of religious instruction, without which it is impossible to suppose that they can ever be improved in their moral condition, proved as it is by there being only four Slaves, out of twenty-three thousand, possessing these certificates; and which, when obtained, should be given to the Slaves themselves, as a proof of their religious and moral character, and not to be deposited in the office of the Protector.

They should be given to the Slaves, and a copy enrolled in the Protector's Office.

36.—The word *white* in this clause to be altered by substituting the word "*free*," there being no difference in the opinion of the Attorney General as to the effect of the evidence to be given between a *white* and a *free* coloured person.

41.—All criminal prosecutions under this Order should be instituted, tried, and determined in the same manner as all other criminal prosecutions in the Island.

By the promulgation of the Proclamation of the 6th March last, a great object has been attained in the better administration of justice.

The Order of the 10th March 1824, with the exception of these remarks, appears to have produced the effects the Government intended.

I have, &c.

(Signed) HENRY FULLER.

No. 14.

My Lord, *Trinidad, 27th April* 1826.

ADVERTING to the Rules formerly transmitted for the Savings Bank for Slaves, I have the honour to submit an additional Rule for your Lordship's sanction.

I have, &c.

(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K.G.
&c. &c. &c.

Additional Rule for Savings Banks.

Addition to Rule the 11th.

WHEN depositors are desirous of withdrawing their deposits, a communication will be immediately made from the Branch to the General Bank, in order that the Treasurer may be prepared to meet the demand.

Whenever repayments are made to depositors by the Country Receivers, attestation to the repayment must be certified by some public officer, such as the Curate, the Treasurer of the Quarter, or some respectable inhabitant of the district.

(Signed) RALPH WOODFORD, Governor.

Government House, 8th April 1826.

No. 15.

SIR, *Downing Street, 5th July* 1826.

I HAVE to acknowledge the receipt of your despatch of the 27th April last, and I have to convey to you my sanction of the additional rule which accompanied it for regulating the Savings Banks.

I have, &c.

(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 16.

Extract from a Dispatch from Sir R. Woodford, Bart. to R. W. Horton, Esq. dated 3d July 1826.

Trinidad, 3d July 1826.

HAVING lately visited those quarters of the Island in which the principal part of the cultivation is carried on in canes, I apprised the Commandants that I would receive any communication personally from the Planters, on any practical difficulties experienced by them in executing the Order in Council of the 10th March 1824, and that I would visit any of the estates on which the conduct of the gangs might, in the opinion of the proprietors, render a communication from me beneficial.

I have now the satisfaction of acquainting you, for the information of Earl Bathurst, that I found the negroes generally conducting themselves well; the exceptions were among the females, and the complaints, as regards the work of estates, were, on the part of the masters, rare; from the Slaves I received none. I found task work adopted wherever it could be introduced, and though there is sometimes difficulty with an obstinate or a careless labourer, in requiring him to make good a task imperfectly performed, the advantages are in general so great as to be admitted by all as affording great relief to Master as well as Slave, in carrying on the cultivation of the Country.

The difficulties represented to arise out of the Order are three, of which the last is the more general:

1. Delay in attendance at work in the morning.
2. Loss of time between the commission and punishment of an offence.
3. Control of the female Slaves.

To explain the first, I may observe, that it was formerly usual to give the morning signal for work, by the sound of the driver's whip, and though one might suppose the abolition of so odious a custom to have been a welcome improvement, it is certain that the Slaves pay but little attention to the signals now substituted of bells, horns, and shells. Their inattention in this respect becomes extremely irksome, and is stated to be seriously felt on small estates.

Second. The delay fixed by the Law, between the time at which a Slave commits an offence, meriting a punishment beyond three lashes, and the hour at which the Law permits his master so to punish him, is represented as requiring, to prevent his absconding, the confinement of the prisoner in the interim, during which period his labour necessarily becomes lost to the estate.

Third. The women are every where complained of as having become much more refractory and licentious than they were wont to be; two recent instances of extreme violence were reported to me, but the offenders had already been either punished or forgiven.

I did not learn that in any instance the power of the master had been employed to the full extent of the Law towards the females; this want of energy appeared to be attributable to the loss of labour which attends the punishment of this class in serious offences, and in minor cases to an unwillingness to be at the trouble of placing them in confinement.

I have no reason to doubt of the Order in Council being carried into effect throughout the Colony, except as regards Sunday labour in the negro gardens; and, so long as there are but such scanty and widely scattered means of instruction, these infringements may, I submit, be passed over. It does not preclude those that live in the vicinity of a Church from attending the early service, which best suits their habits.

I am, upon the whole, induced to think, that if the minds of the Planters were to be no longer agitated by discussions, each of which creates fresh alarms, that they would gradually become less disposed to attribute to the operation of the Order in Council every inconvenience occurring in the management of their properties.

No. 17.

Extract from a Despatch from Sir Ralph Woodford, Bart. to Earl Bathurst, dated 8th July 1826.

I AVAIL myself of the opportunity to suggest to your Lordship the propriety of investing the Protector with a power of examining the Returns, and of requiring the parties to attend to his instructions; and where a punishment appears illegal, that he should have a power of interference. In the Record Books the ages of the Slaves might, I submit, be advantageously required, and it should be an obligation on all to keep the Record in the shape of columns.

No. 18.

Extract of a Letter from Sir Ralph Woodford, addressed to R. W. Horton, Esq. dated Trinidad, 26th February 1827.

AN opportunity having been afforded me of obtaining accurate information of the comparative disposition of the Spanish Peons to *labour* and *idleness*, and that upon an extensive number and a work upon which they were certain of their pay in *cash*, I enclose a statement of the days worked by this class at the new barracks, for the year 1825, which I trust may be useful.

TRINIDAD.

A STATEMENT showing the average of days worked during each month of the year 1825 by Free Labourers employed on the works at St. James's.

1825.	Number of free persons employed.	Number of days they worked.	Number of working days in the month, exclusive of Sundays and Festivals.	Average number of days that each man worked.	Remarks.
January	133	1,900	26	14	These labourers were the discharged soldiers, all Spanish Peons, and others, who have become free by purchase, or otherwise worked in about the same proportion, but the free tradespeople, who are a better class, were more regular in their attendance.
February	144	2,226	23	15	
March	140	2,252	27	16	
April	161	2,242	25	13	
May	164	2,469	26	15	
June	158	2,247	25	14	
July	163	2,300	26	14	
August	147	2,234	27	15	
September	119	1,699	26	14	
October	100	1,197	26	12	
November	77	954	26	12	
December	59	707	26	11	
	1,565	22,427		14¼	

No. 19.

Extract from a Despatch from Sir Ralph Woodford, Bart. to R. W. Horton, Esq. dated Trinidad, 26th Feb. 1827.

SINCE I transmitted a letter from Mr. Peschier, who under my tribunal administers an Estate sequestered for a debt to the Crown, I find, to my satisfaction, that he does not altogether object to task-work, but to the giving out the task by the whole day, which he finds induces over-exertion by the people without due care of themselves in going in to their meals, &c.; he has therefore written to me the enclosed explanation, adding some details of work.

SIR, *Carapechaima Hall, 9th February* 1827.

I have had the honour of receiving your Excellency's second note relative to the task work, I found, as I stated to your Excellency in December last, that the continued daily task was very prejudicial to the negroes' health. We now have scarcely any sick, and we had, before I changed the mode of a daily task, a great many in hospital. The following is a statement of the manner I now work the gang of this estate, and my own: I divide the day in three, and a certain proportion of work allotted in the proportion of the periods of work, viz. three hours before breakfast, three before dinner, and four after dinner. By this arrangement they have their usual hours for meals, and the interval of rest at noon; without which I found that they would have sunk under the effect of an exertion that was beyond their physical strength. This plan also enables me to have the work apportioned according to the abilities of the people, and by making two gangs, and either personally, or my head overseer, inspecting the work to be performed previous to giving out, we are enabled to give such a task as *I know* can be performed, viz.

Cutlassing Bushland.—A man or strong woman cleans from five to seven thousand superficial feet; merely cutting down the brush.

Cutlassing Plantain Walk or Grass.—From two thousand five hundred to three thousand feet superficial, sometimes less, according to quality of grass.

Lining for Cane holes.—This cannot be tasked.

Holing land to receive plants.—In the manner this work is performed on this, and my own estate, merely loosening the soil, each person can prepare from 160 to 170 holes.

Planting Canes.—Each Negro from 320 to 340 holes, the plants furnished by people appointed for that purpose cannot be tasked, more or less according to the distance they have to carry them from the range to the interior of the field.

Weeding young plants first time.—From 130 to 150 cane stools, this work varies as to the nature of the soil, and more or less grass, and also in the state of the weather, if in a clay soil and bad weather it is less than 130, often so low as 110.

Weeding plants second time.—From 180 to 200, this varies also as to the state of the soil and weather.

Stripping Canes.—From 350 to 400 cane stools.

Cutting Canes.—Each person to give from 300 to 350 gallons of liquor, this depends on the quality of the canes.

Carrying Canes by crooks or carts.—Cannot be tasked.

Relieving Rattoons.—300 cane stools each person.

Weeding Rattoons, first time.—From 200 to 250 cane stools; this varies as to weather and soil, and the quality of grass, often less.

Weeding Rattoons, second time.—From 225 to 250 cane stools, as at first weeding of rattoons.

Mill.—If the people furnish canes the steam engine can give 300 gallons of liquor per hour, the quantity of 3600 gallons can be ground with ease in twelve hours, in ordinary canes twelve cutters ought to furnish canes enough for the above number of gallons, there are three men and seven women employed at the engine and mill.

Boiling the Liquor.—Depends on the weather as rendering the fuel dry or damp, the state of the cane juice, and skill in the fireman.

Cutting Fuel.—A man cuts from fallen trees pieces about 3 feet long, generally the branches, and puts up a cord 6 feet high and 6 feet long with ease.

Digging Trenches.—One foot deep, 18 inches wide, the utmost from 45 to 60 yards each negro. This varies as to the nature of the soil on new and old land; sometimes less than 140.

I beg leave to state that the above work is performed by the first or strong gang; the second or weaker gang do less, and in proportion to their strength.

I have, &c.

(Signed) JOSEPH PESCHIER.

To his Excellency the Governor and Commander-in-Chief, &c. &c.

No. 20.

My Lord, *Trinidad, 26th Feb.* 1827.

HAVING requested the Protector of Slaves to draw up a statement, shewing the result of the quarterly returns made to him, in obedience to the Order in Council of the 10th March 1824, of offences committed by plantation Slaves, I am enabled by Mr. Gloster to lay before your Lordship a table shewing the offences, as returned quarterly, for the two years that have expired since the Order has been in force, distinguishing the males from the females, and which will enable your Lordship to judge of the increase or decrease of crime, and which, upon the whole, will be found to incline to the latter. But as these returns regard only the offences of Slaves punished on the estates; I also enclose a return from the records of the Gaol for the like period, which numbers must be added to those of the Protector's statement, making the whole number of offences for the two years amount to 11,966; the adult Slave population is 16,298; and, although the proportion of offenders of six to sixteen may appear large, yet your Lordship will see that serious offences, such as would subject the Proprietors to loss of life or liberty, at least in Europe, appear here expiated by the domestic connection of the Proprietor, who too often prefers to pass over the crime than surrender his Slave to justice.

The Protector has accompanied this statement with another, shewing not only the offences, but the quarters in which they are committed, together with the Slave Population, strongly manifesting the small proportion of punishment upon cocoa plantations.

In the hope that the labour bestowed by the Protector in the preparation of these documents may afford some useful information, and be acceptable to your Lordship. I have, &c.

(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K. G. &c. &c. &c.

A Return of Slaves committed to the Royal Gaol from the 30th June 1824, to the 30th June 1826. Distinguishing the males from the females, as also describing their offences.

Offences.	Males.	Females.	Total.
Charged with Criminal Offences, but acquitted upon Trial	8	1	
Convicted of Criminal Offences	21	1	
Convicted of Petty Thefts	78	14	
Convicted of Assaults	23	11	
Convicted of Breaches of the Peace	6	1	
Convicted of receiving Stolen Goods	3	none	
Convicted of Gambling	3	none	
Contravening the Police Regulations	6	none	
Refractory and insubordinate	148	103	
Convicted of harbouring Slaves	1	2	
Runaways and absentees	319	116	
	616	249	865

Which I certify,

(Signed) A. F. BLACKWELL, Alcayde and Attorney for the Prisoners.

List of Offences committed by Male and Female Plantation Slaves in the Island of Trinidad, made up from the Returns of Punishments forwarded to the Protector and Guardian of Slaves, by the Commandants of the Several Quarters, from the 24th June 1824 to the 24th June 1826, shewing the Nature of the Offences, the Number of Slaves committing each particular Offence in each Quarter of the Year, and the Total Number of Offences.

	NATURE OF OFFENCES.	For Quarter ending 10th September 1824.		For Quarter ending 24th December 1824.		For Quarter ending 5th April 1825.		For Quarter ending 24th June 1825.		For Quarter ending 10th September 1825.		For Quarter ending 24th December 1825.		For Quarter ending 5th April 1826.		For Quarter ending 24th June 1826.		TOTAL.		GRAND TOTAL.
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	
Serious and aggravated Offences.	Attempting to murder	2	1	1	1	1	"	1	1	1	1	2	"	"	"	1	"	9	4	13
	" to poison	"	"	"	"	"	"	"	"	2	"	"	"	"	"	"	"	2	"	2
	" to commit suicide	"	"	"	"	1	"	"	1	"	"	1	"	"	"	"	"	2	1	3
	" to ravish	2	"	1	"	"	"	"	"	1	"	2	"	"	"	"	"	6	"	6
	Cutting others with cutlasses, &c.	5	2	6	3	9	"	3	1	8	2	6	5	7	"	3	1	47	14	61
	Incendiaries	"	"	1	"	"	"	"	"	"	"	"	"	"	"	7	4	8	4	12
	Killing and destroying stock	3	"	1	"	"	"	1	"	"	"	"	"	2	"	10	1	17	1	18
	Cruelty to animals	10	"	9	1	38	3	17	"	9	1	13	1	31	1	22	"	149	7	156
	House-breaking and stealing	48	8	68	11	24	4	32	5	54	3	21	4	23	"	41	8	311	43	354
Theft, &c.	Theft	66	16	53	11	24	7	64	3	49	6	18	16	29	12	7	"	310	71	381
	Conniving at theft and attempting to steal	3	"	2	"	"	"	"	"	1	"	"	"	1	"	3	1	10	1	11
	Receiving stolen goods knowing them to be such	3	1	6	2	2	"	2	"	4	1	1	"	2	"	1	2	21	6	27
Insubordination accompanied with violence.	Striking Manager	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	1	1
	Biting Overseer	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	1
	Striking "	1	"	"	1	2	"	"	"	1	"	"	"	"	"	"	"	4	1	5
	" Driver	3	"	"	"	6	1	"	1	3	3	3	"	1	"	"	4	16	9	25
	Biting "	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	1	1
	Holding and tearing Driver's shirt	1	"	"	"	"	"	"	1	"	2	"	"	"	"	"	1	"	4	4
	Raising cutlass against Driver	"	"	"	"	1	"	"	"	"	"	"	"	"	"	3	"	4	"	4
	Resisting Manager in discharge of duty	1	9	"	"	"	"	"	"	"	"	"	"	"	"	"	1	1	10	11
	Breaking stocks	9	2	3	"	"	"	1	"	5	"	8	"	2	2	1	"	29	4	33
Insubordination unaccompanied with violence.	Refusing to work	16	81	37	65	37	32	23	62	17	30	5	24	27	47	24	51	186	392	578
	Disobedience	71	63	73	69	117	91	96	55	91	61	58	78	97	71	86	70	689	558	1,247
	Insolence	67	79	85	77	91	110	73	102	57	104	41	81	60	111	58	88	532	752	1,284
	Insubordination	9	3	36	"	8	11	9	"	3	2	4	1	4	"	4	3	77	20	97
	Abusive language to Owners, Managers, Overseers, and others	"	4	8	4	"	3	4	4	5	3	4	1	"	1	4	13	25	33	58
	Absconding, running away, &c.	128	47	131	48	116	57	121	22	115	39	53	27	91	32	114	40	869	312	1,181
	Encouraging others to abscond	"	1	"	"	"	"	2	"	1	2	3	"	1	"	1	1	8	4	12
	Inducing gang to turn out late	"	"	"	"	"	"	"	1	"	"	1	"	"	"	"	"	1	1	2
	Contemptuous behaviour and language	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	1
	Mutinous language	"	"	"	"	"	"	"	"	2	"	"	"	1	"	1	1	4	1	5
Domestic Offences.	Quarrelling	12	4	8	5	10	35	5	19	2	9	8	26	5	11	2	27	52	136	188
	" and fighting	30	27	19	32	26	38	26	46	18	28	22	38	19	17	13	19	173	245	418
	Scalding others	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	1	"	1
	Beating others	16	3	15	6	12	3	18	"	8	3	4	4	10	3	14	2	97	24	121
	Biting others	"	"	"	"	1	1	"	"	"	"	"	"	"	"	"	"	1	1	2
	Maltreating children	"	4	1	3	"	2	"	2	1	5	"	1	"	1	"	5	2	23	25
	Attempting to strike a whiteman	"	"	"	"	1	"	"	"	"	"	"	"	1	"	"	"	2	"	2
	Lying with other men's wives	"	"	1	"	"	"	"	"	1	"	"	"	"	"	"	"	2	"	2
	Seducing, and attempting to seduce, other men's wives	"	"	"	"	1	"	1	"	1	"	2	"	1	"	2	"	8	"	8
	Committing fornication	"	"	1	1	"	"	"	"	"	"	"	"	"	"	1	"	2	1	3
	Infidelity to husbands	"	"	"	4	"	2	"	2	"	2	"	1	"	2	"	2	"	15	15
	Father selling daughter to prostitution	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	1	"	1
	Drunkenness	37	8	32	8	38	4	27	6	36	8	20	6	28	12	37	14	255	66	321
	Bad work	"	"	1	1	1	1	"	"	"	5	"	"	3	1	9	1	14	9	23
	Neglecting duty	105	136	146	97	119	108	173	103	134	116	112	62	183	126	152	133	1,204	881	2,085
	" stock	41	1	21	"	31	4	20	"	20	"	20	1	17	1	6	"	176	7	183
	" to throw grass	26	12	11	13	9	7	18	5	4	19	13	8	10	1	5	11	96	76	172
	Not coming to work in proper time	23	82	20	110	22	84	28	53	21	97	12	80	18	54	15	56	159	616	775
	Introducing rum on estate	"	"	1	1	"	"	"	"	"	"	"	"	"	"	"	"	1	1	2
	Neglecting prayers	8	4	18	19	4	19	9	9	8	7	1	4	1	2	4	4	53	68	121
	Refusing to keep the Sabbath-day	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	1	"	1
	Leaving estate at night	"	"	1	1	2	3	"	"	"	"	"	"	"	"	4	2	7	6	13
	Riding mules at night	2	"	5	"	3	"	2	"	6	"	"	"	3	"	1	"	22	"	22
	Idleness and laziness	2	"	1	1	"	"	1	"	"	"	"	"	6	4	7	12	17	17	34
	Absenting themselves from hospital	"	"	"	2	"	"	"	"	"	6	1	2	"	1	"	1	1	12	13
	Neglecting sores	"	"	2	2	2	3	"	6	2	"	3	3	3	"	3	"	15	14	29
	Refusing to take medicine	1	1	"	1	"	"	1	"	"	1	"	2	1	"	1	"	4	5	9
	Eating dirt, charcoal, &c.	"	1	"	1	3	1	2	"	1	"	"	1	"	"	2	2	8	6	14
	Neglecting person	1	1	"	2	"	2	2	1	3	"	8	1	3	3	2	1	19	11	30
	" gardens	3	50	9	30	2	5	1	3	4	7	2	3	1	1	"	1	22	100	122
	Setting a bad example to children	"	"	"	"	"	"	"	1	"	"	"	"	"	"	1	1	1	2	3
	Selling and destroying clothes furnished by Owner	"	"	"	"	"	"	1	"	1	2	1	"	1	"	1	1	5	3	8
	" " working utensils	"	"	2	"	1	1	"	"	"	"	"	"	"	"	1	"	4	1	5
	Riotous conduct	19	18	32	14	34	16	25	19	15	25	18	15	23	27	15	33	181	167	348
	Breaking carts	"	"	"	"	15	"	"	"	"	"	"	"	"	"	1	"	16	"	16
	Harbouring runaways	3	"	4	2	6	1	3	2	3	1	4	2	2	1	1	"	26	9	35
	Preventing others from working	7	1	1	2	4	1	"	1	4	1	"	4	1	"	1	"	18	10	28
	Breaking hospital, and aiding others to get out of stocks	"	"	"	"	"	"	"	"	1	1	"	"	"	"	"	"	1	1	2
	Cutting and stealing canes	8	3	33	5	4	1	4	2	15	11	3	5	2	7	1	5	70	39	109
	Practising obeah	"	"	1	1	"	"	"	"	2	"	"	"	"	"	"	"	3	1	4
	Lying and false swearing	3	2	9	1	7	1	5	1	3	"	2	2	3	2	1	"	33	9	42
	False complaints	10	2	10	3	19	15	8	"	4	"	4	"	6	3	19	6	80	29	109
	Indecent language and behaviour, swearing, &c.	4	"	4	"	"	4	5	1	1	5	"	"	"	4	1	11	15	25	40
	False pretence of sickness	3	6	6	4	1	"	4	3	"	"	"	"	"	"	2	1	16	14	30
	Cutting and eating dead cattle	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	2	1	2	3
	Total	811	684	937	665	937	683	838	544	748	619	505	509	730	561	717	643	6,223	4,908	11,131
	Totals of Sexes	1,495		1,602		1,620		1,382		1,367		1,014		1,291		*1,360				

* Period of a very large Crop. R. W.

HENRY GLOSTER, Guardian of Slaves.

February 24, 1827.

List of Offences committed by Male and Female Plantation Slaves in the Island of Trinidad, made up from the Returns of Punishments forwarded to the Protector and Guardian of Slaves, by the Commandants of the several Quarters, from the 24th of June 1821 to the 24th of June 1826; shewing the Nature of the Offences, the Number of Slaves committing each particular Offence in each Quarter of the Island, and the total Number of Offences.

Number of Slaves in each Quarter or District	Males. 450	Females. 404	Males. 233	Females. 207	Males. 204	Females. 237	Males. 1248	Females. 1071	Males. 153	Females. 120	Males. 71	Females. 68	Males. 342	Females. 299	Males. 334	Females. 212	Males. 328	Females. 298	Males. 469	Females. 476	Males. 620	Females. 510	Males. 204	Females. 154	Males 80	Females. 86	Males. 48	Females. 49	Males. 205	Females. 212	Males. 117	Females. 84	Males. 182	Females. 171	Males. 289	Females. 269	Males. 627	Females. 522	Males. 217	Females. 171	Males. 565	Females. 522	Males. 249	Females. 217	Males. 258	Females. 210	Males. 372	Females. 348	Males. 1,303	Females. 1,096	Males. 358	Females. 268	Males. 47	Females. 38	Males. 140	Females. 109	Males. 737	Females. 602	Males. 10,450	Females. 9,030	GRAND TOTAL. 19,480	Number of Slaves in each Quarter or District.
NAMES of QUARTERS, or DISTRICTS.	Aricagua and Cimaronero.		Arima.		Bocas.		Cours, Savanetta, Cascajal, Baraicon and Carapachaima.		Chaguaramas.		Caroni.		Cedros, Hicacos and Quemada.		Chaguanas.		Carenage.		Diego Martin.		Erin, Irois, Guapo and La Brea.		Guanapo.		Laventille.		Las Cuevas.		Maraval.		Mucurapo.		Maracas.		Mayaro and Guayaguayara.		North Naparima.		Oropouche.		Point à Pierre.		St. Anne.		St. Joseph.		Savannah Grande and Moruga.		South Naparima.		Santa Cruz.		Toco and Cumana.		Tragarete.		Tacarigua, Arouca and Caura.		TOTAL.			NAMES of QUARTERS, or DISTRICTS.
Nature of Offences.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		Nature of Offences.
Serious and aggravated Offences. — Attempting to murder	1	"	"	"	"	"	2	1	"	"	"	"	2	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	1	9	4	13	Attempting to murder.
" to poison	"	"	"	"	"	"	1	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	"	2	"	2	" to poison.
" to commit suicide	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	1	3	" to commit suicide.
" to ravish	"	"	"	"	"	"	"	1	"	"	"	"	1	"	1	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	6	"	6	" to ravish.
Cutting others with cutlasses, &c.	2	2	2	"	1	"	5	2	"	"	"	1	8	"	2	"	6	"	4	"	2	"	1	"	"	"	"	"	1	2	1	"	3	1	"	"	1	1	"	"	"	"	1	1	1	"	2	1	"	"	4	1	47	14	61	Cutting others with cutlasses, &c.
Incendiaries	"	"	"	"	"	"	3	1	"	"	"	"	1	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	1	"	12	Incendiaries.
Killing and destroying stock	1	"	"	1	"	"	1	"	"	"	"	"	"	"	"	"	3	"	1	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	1	"	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	"	"	"	"	"	"	"	"	"	17	1	18	Killing and destroying stock.
Cruelty to animals	1	"	"	"	"	"	22	2	"	"	"	"	14	"	6	"	4	"	13	"	3	"	"	"	"	"	"	"	1	1	"	"	1	"	1	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	20	1	"	"	"	"	"	"	14	"	149	7	156	Cruelty to animals.
House-breaking and stealing	6	4	3	"	"	"	42	1	"	"	4	"	26	"	29	"	27	5	21	9	5	"	"	"	"	"	"	"	1	"	7	"	6	"	39	6	"	"	4	1	1	"	40	7	14	1	2	"	1	"	33	7	311	43	354	House-breaking and stealing.
Theft, &c. — Theft	15	6	33	3	1	2	39	10	13	1	6	2	6	"	11	2	8	"	3	20	20	2	5	"	1	"	"	"	6	4	2	3	4	"	7	"	28	4	10	1	5	"	5	1	13	1	17	"	7	2	"	"	"	"	4	"	310	71	381	Theft.
Conniving at theft, and attempting to steal	1	"	"	"	"	"	3	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	1	"	"	"	2	"	"	"	"	"	1	1	"	"	"	"	"	"	"	"	"	"	"	"	10	1	11	Conniving at theft, and attempting to steal
Receiving stolen goods, knowing them to be such	"	"	"	1	"	"	3	1	"	"	"	"	3	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	1	"	"	"	4	1	"	"	"	"	1	"	4	1	1	"	"	"	"	"	2	2	21	6	27	Receiving stolen goods, knowing them to be such.
Insubordination accompanied with Violence. — Striking Manager	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	1	"	1	Striking Manager.
Biting Overseer	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	1	"	1	Biting Overseer.
Striking "	"	"	"	"	"	"	"	"	"	"	1	"	4	"	"	"	"	"	1	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	"	2	1	"	"	"	"	"	"	"	"	1	"	1	"	1	"	"	"	"	"	4	1	5	1	6	Striking "
" Driver	1	1	"	"	"	"	1	1	1	1	"	"	4	"	"	"	"	"	1	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	1	"	1	"	"	"	"	"	16	9	25	" Driver.
Biting	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	Biting
Holding and tearing Driver's shirt	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	3	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	Holding and tearing Driver's shirt.
Raising cutlass against Driver	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	5	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	Raising cutlass against Driver.
Resisting Manager in discharge of duty	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	1	"	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	1	10	11	Resisting Manager in discharge of duty.
Breaking stocks	2	"	1	"	"	"	1	"	"	"	"	"	"	"	"	"	1	"	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	7	"	29	4	33	Breaking stocks.
Insubordination unaccompanied with Violence. — Refusing to work	8	18	3	2	"	"	25	68	5	3	"	"	25	6	5	7	4	13	10	95	6	1	"	"	"	"	"	1	4	2	"	1	"	"	"	6	12	15	3	7	18	37	"	1	2	12	15	30	23	37	"	"	1	3	17	33	186	392	578	Refusing to work.
Disobedience	21	19	15	20	1	5	80	47	9	12	4	16	43	19	15	15	24	13	41	30	18	"	12	1	4	"	2	"	12	16	2	1	1	12	8	3	25	29	6	13	28	51	4	2	18	12	88	33	72	84	5	2	"	1	7	26	69	172	532	752	1,284	Disobedience.
Insolence	14	37	10	28	"	"	31	3	"	2	4	"	"	"	"	"	"	"	11	4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	97	Insolence.
Insubordination	"	"	"	"	"	"	5	1	"	"	"	"	2	1	3	1	"	"	3	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	3	58	Insubordination.
Abusive language to Owners, Managers, Overseers and others	"	"	5	3	"	"	6	15	"	"	"	"	2	1	3	1	"	"	3	2	"	"	"	"	"	"	"	"	1	1	3	"	"	"	1	"	"	"	2	3	"	"	"	"	1	1	"	"	2	"	"	"	"	"	"	"	"	"	2	25	33	58	Abusive language to Owners, Managers, Overseers and others.
Absconding, running away, &c.	22	13	31	11	2	"	100	30	2	3	8	14	71	15	24	6	23	17	26	15	24	"	12	2	1	"	1	"	2	8	6	1	10	2	8	"	64	15	9	"	43	20	8	1	16	4	82	23	128	33	1	"	3	"	12	16	130	63	869	312	1,181	Absconding, running away, &c.
Encouraging others to abscond	"	"	"	1	"	"	4	1	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	8	4	12	Encouraging others to abscond.
Inducing gang to turn out late	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	1	"	1	2	Inducing gang to turn out late.
Contemptuous language and behaviour	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	1	Contemptuous language and behaviour.
Mutinous language	"	"	"	"	"	"	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	4	1	5	Mutinous language.
Domestic Offences. — Quarrelling	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	21	25	1	"	"	"	2	5	9	52	136	188	Quarrelling.
" and fighting	7	6	3	19	2	12	30	56	5	5	"	"	6	9	3	15	2	7	3	12	5	"	3	2	"	"	"	"	1	3	1	"	"	"	"	"	2	1	"	"	"	"	1	"	10	2	17	14	13	8	2	"	"	"	4	1	14	31	173	245	418	" and fighting.
Scalding others	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	Scalding others.
Beating "	3	1	2	"	"	"	17	6	"	"	"	"	2	"	"	"	2	"	2	"	3	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	1	97	24	121	Beating "
Biting "	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	Biting "
Maltreating children	"	"	"	"	"	"	1	10	"	1	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	25	33	58	Maltreating children.
Attempting to strike a white man	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	Attempting to strike a white man.
Lying with other men's wives	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	Lying with other men's wives.
Seducing and attempting to seduce other men's wives	1	"	"	"	"	"	4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	8	Seducing and attempting to seduce other men's wives.
Committing fornication	"	"	"	"	"	"	2	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	2	1	3	Committing fornication.
Infidelity to husbands	"	"	"	2	"	"	3	5	"	"	"	"	"	"	"	2	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	15	15	Infidelity to husbands.
Father selling daughter to prostitution	"	"	"	"	"	"	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	1	"	1	Father selling daughter to prostitution
Drunkenness	14	7	8	"	"	"	49	3	1	1	"	"	10	7	7	4	4	1	8	2	5	"	1	"	"	"	"	"	1	"	3	"	11	14	1	"	6	2	1	1	8	"	29	5	19	1	1	"	2	"	5	4	60	12	255	66	321	Drunkenness.
Bad work	"	"	"	"	"	"	2	"	"	"	"	"	4	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	3	"	14	9	23	Bad work.
Neglecting duty	28	21	25	60	"	2	214	114	17	6	"	"	16	95	46	33	8	59	28	76	66	20	10	10	2	1	"	"	2	"	17	35	4	8	4	1	10	5	52	73	31	19	90	50	4	1	13	13	49	25	140	134	6	6	5	9	17	28	184	95	1204	881	2,085	Neglecting duty.
" stock	1	"	5	"	"	"	37	"	"	"	2	12	3	1	1	"	3	2	3	2	1	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"

No. 21.

SIR, *Downing street, 9th May* 1827.

YOUR dispatch of the 26th February last has been received. The Tables and Returns furnished by the Protector of Slaves, evince industry and attention to the matters which come under his observation, and I have satisfaction in collecting from them that, notwithstanding the exemption of females from the whip, the offences of that sex are less in proportion to their numbers than those of the males.

I have, &c.

(Signed.) GODERICH.

Governor Sir R. Woodford, Bart.
&c. &c. &c.

No. 22.

MY LORD, *Trinidad, 8th August* 1826.

A COMPLAINT having been recently made to me by the mother of one Pamela Monro, a Slave, of the magnitude of the sum demanded for the manumission of her child, I made inquiry of the same from the Protector of Slaves, who has, in the inclosed Report, brought the same officially before me, and as the complaint is not only confirmed, but is founded on an appraisement that it is professed has been made in virtue of your Lordship's official Dispatches to the Governor of Demerara, that have been laid before Parliament, I deem it my duty to represent the case to your Lordship, as it is highly proper that the consequences arising from the view adopted by His Majesty's Government on the important subject of the Manumission of Slaves, should be made known to your Lordship without delay.

I subjoin an explanatory report from the Protector, shewing how much the appraisement in question exceeds any former valuation that has been had since the Order in Council has been in execution, viz. since the 24th June 1824.—And a Report from the Chief Judge, that your Lordship may be aware of the inability of that officer, under the Laws, to modify or alter any appraisement.

If this valuation be a just one, the Planters cannot complain of a depreciation of property, but it is obviously the effect of the prohibition, under the Act 5th Geo. IV. cap. 113, of bringing any Slave to the Colony, and the consequences of it will thus be felt by Slaves, who will be thereby deprived of the chance they formerly enjoyed of obtaining their freedom for a fair but moderate valuation.

I have, &c.

(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

SIR, *Protector of Slaves Office, 26th July,* 1826.

I HAVE the honour to transmit to your Excellency a Copy of an Appraisement of a female domestic Slave, lately made under the authority of the Order in Council of the 10th of March 1824.

As this valuation is the first which I apprehend has been made upon the principles stated in the body of the appraisement, I am induced to bring the same under your Excellency's notice.

I have, &c.

(Signed) HENRY GLOSTER,
Guardian of Slaves.

His Excellency the Governor,
&c. &c. &c.

TRINIDAD.

THE undersigned, appointed to appraise Pamela Monro, a female Slave, aged eighteen years, or thereabouts, whose mother is wishful of manumitting her,

having carefully perused a dispatch transmitted by Earl Bathurst, one of His Majesty's Principal Secretaries of State, dated the 25th of February 1826, addressed to his Excellency Sir Benjamin D'Urban, in Demerara, and laid, with the Official Correspondence, before the Honourable the House of Commons in the present Session, in which his Lordship, amongst other matters, states;

"As the right which it is proposed to be given to the Slave to purchase his manumission is a vital part of the whole measure, it cannot be dispensed with. No system of measures would satisfy the feelings of this Country, or would completely execute the purposes of the House of Commons, which did not contain some direct provision, some acting principle, by which the termination of Slavery may be gradually accomplished; and the giving to a Slave a right to purchase his freedom by the fruits of his honest earnings, on a fair estimate of the loss which the owner may sustain by that act, guards the public on the one hand, against indiscriminate emancipation, and secures to the Planter, on the other, a pledge of an adequate compensation."

Further, in the same dispatch: "But if in the process of time it should unfortunately be found that the Slaves thus manumitted altogether abandon their owners, and refuse to work as free persons, the owner not having the means, by reason of the Abolition Act, to supply the loss of his Slaves, and not being able to engage any free labourers for his sugar plantations, the price which must then be assigned to the loss of each Slave must have a direct reference to that state in which the plantation will be placed by the progressive reduction of the means of conducting it."

The undersigned, governing themselves by the foregoing principles, and it being notorious that in this Colony Slaves so manumitted altogether abandon their owners, and that it is impossible to engage or contract with any free labourer for any settled term of work, and that the few which are to be procured come and go as suits their own caprice, so that no dependance can be placed upon them, would have felt themselves bound to value the said Pamela Monro at the sum of twelve hundred round Mexican dollars, to secure to her owner an adequate compensation, had she been attached as a field labourer to an estate;—but the said Pamela Monro being a domestic, the undersigned have recurred to other data by which to establish her value, and finding that she is in the prime of life, healthy, and in possession of many valuable qualities, so that her services could not be replaced by the hire of any other Slaves in the Colony at a less sum than six round dollars per month, in which case the Slave so hired is fed, clothed, and insured against all depreciation of her capital value from death or disease; and further, that the minors (Pasca) who now own the said Pamela could immediately hire her out, and obtain that remuneration for her services. Under all these circumstances, and for the purpose of securing an adequate compensation to the said minors, the undersigned are of opinion that the said Pamela Monro is fully worth the sum of twelve hundred Mexican dollars perfect, and do place that value upon her.

Actuated, however, by feelings of compassion towards the said Pamela, whose mother may possibly be unable to raise so considerable a sum, the undersigned beg to submit to the Court, as an alternative, that she be allowed to receive her manumission whenever the Protector of Slaves can find and purchase, with the means of the mother, another female Slave equally good and valuable in every respect to be given to the minors (Pasca), in compensation for the loss of the services of the said Pamela Monro.

(Signed) THOMAS LE GENDRE.
WILLIAM H. BURNLEY.

SIR, *Government House, 28th July*, 1826.

I have to acknowledge the receipt of your Letter, transmitting for my information and notice, the Copy of an Appraisement of the Slave Pamela Monro, for her freedom, and I am to request that you would inform me how far that appraisement differs from those already had before you of Slaves of a description corresponding to that of the Slave in question.

I have, &c.
(Signed) RALPH WOODFORD.

Henry Gloster, Esq. Protector and Guardian of Slaves.

Sir, *Port of Spain, 4th August* 1826.

I have the honour to acknowledge the receipt of your Excellency's Letter of the 28th ultimo, requesting to be informed how far the appraisement of the Slave Pamela Monro differs from those already had before me of Slaves of her description.

In reply, I beg leave to inform your Excellency, that I am not aware of any case exactly similar to that of the Slave in question. That which bears the nearest resemblance to it is of a Mulatto girl named Eleanor Rosette, aged about seventeen, the property of Messrs. Peschier and Metiver, and attached to the Retrench Estate. This person, at the time of appraisement, was represented to be an attendant upon the hospital, very useful in cutting out, and making the clothes of the Slaves, and a good house servant.

The appraisers differed widely in her value, one estimating her at £86. 13*s*. 4*d*. sterling, the other at twice that sum.

The umpire appointed by the Chief Judge finally determined that she was worth £150 sterling.

On referring to the Records of my Office I observe, that the appraisement of Pamela Monro far exceeds that of any other, since the promulgation of the Order in Council; and as I am anxious to put your Excellency in possession of all the information which it is in my power to afford on this point, I have taken the liberty to select from the Record several of the appraisements.

The Slaves were of the most valuable class, as the statement of their qualifications and appointments will shew.

Jean Baptiste Blair—plantation Slave, the property of Elie Boissiere, head boiler on his owner's estate, a tolerable mason, carpenter, and blacksmith, a very intelligent man, and one whom his owner considered it impossible to replace, 780 dollars or £169 sterling.

Juan Bautista Garcin—personal Slave, the property of Madame Urbanexa, a driver, and capable of conducting a cocoa estate 692 dollars 3 shillings, or £150 sterling.

John Marli—plantation Slave, the property of Mrs. Glenton, head driver on the Marli estate, and a confidential Slave, 650 dollars, or £140. 16*s*. 8*d*. sterling.

Janvier Rose Remy—plantation, the property of P. F. Gillot and J. P. Figeroux, head driver on the Perico Estate, and an active intelligent man 550 dollars, or £119. 3*s*. 4*d*. sterling.

Francisco Mieres—plantation Slave, the property of Angel Farfan, head driver of his owner's estate, and now employed by them as overseer at 5*s*. currency *per* day, 450 dollars, or £97. 10*s*. sterling.

The highest sum that has been paid by a Slave manumitted by private contract, is 750 dollars, or £162. 10*s*. sterling.

In this case the Slave belonged to a retail dry good merchant, and acted as store keeper, out door clerk, collected his master's debts, and was in every respect a confidential servant.

I have, &c.
(Signed) HENRY GLOSTER,
Guardian of Slaves.

His Excellency the Governor,
&c. &c. &c.

Sir, *Belmont, 5th August* 1826.

I have the honour to acknowledge the receipt of your Excellency's letter of the 28th July, accompanied by a communication from the Protector of Slaves to your Excellency of the 26th, with the copy of an appraisement of a female domestic Slave lately made, under the authority of the Order in Council of the 10th March 1824, and requiring any remarks that I might wish to make upon the subject.

In reply, I have only to refer your Excellency to the 29th and 30th Clauses of the Order in Council of the 10th March 1824, by which your Excellency will see that my duty is limited to the citation of the parties, the swearing of the appraisers, and the appointment of an umpire, and that by the 31st clause

I am empowered to give the certificate only when the provisions of the 29th and 30th clauses have been complied with, and the appraised value paid, and that I have no controul whatever over the appraisements beyond the nomination of the umpire.

I return the Protector's letter, with the copy of the appraisement, and

I have, &c.

(Signed) ASHTON WARNER,
Chief Judge.

His Excellency the Governor,
&c. &c. &c.

No. 23.

Sir, *Downing Street, 30th October* 1826.

I HAVE received your letter of the 8th August, in which you convey to me a complaint from the mother of a female Slave, whose name is Pamela Munro, of the magnitude of the sum demanded for the manumission of her child. I have examined the enclosures transmitted in that letter. It appears that the appraisers, Mr. Le Gendre and Mr. Burnley, thought themselves required, by certain observations which they find in a despatch addressed by me to the Lieutenant-Governor of Demerara, to adopt a certain principle of appraisement, which they conceive to be conveyed in that despatch. I have to observe that they have proceeded on an entire misapprehension and misapplication of the instruction by which they profess to have been guided. That despatch was addressed to the Lieutenant-Governor of Demerara, with reference to the measures recommended for the improvement of the Slave Code in that Colony, in which the system of Slaves purchasing their freedom as in Trinidad, had not hitherto taken place. It had reference to the eventually progressive value of Slaves, after a sensible reduction of the number employed on each plantation; to the growing difficulty of replacing them by purchase, in consequence of corresponding reductions on other plantations; and, lastly, but more essentially, that instruction proceeded on the contingency of its being eventually proved by experience that free labour is not applicable to the culture of plantations in the West Indies. It therefore had an express reference not only to field labour but to field labour in "a sugar plantation," as being that particular description of labour to which it was contended free labour was peculiarly inapplicable. All these considerations were not brought forward as what should affect existing valuations, (except so far as they might affect the price at which a substitute could be actually purchased according to the current prices of the Colony,) but as what were allowed to form reasonable objections to an uniform price being now fixed for what might be the appraisements which eventually ought to be hereafter assigned to the manumission of Slaves.

The appraisers, professing to be governed by these instructions, have given immediate effect to those prospective considerations, and have applied them to what they would at any time be the least applicable, namely, to the manumission of a domestic Slave.

Generally speaking, the market price of Slaves is the fairest criterion of their value, and it is that by which the appraisers should principally regulate their valuations. The various considerations mentioned in the instruction above referred to, were not brought forward to supercede this criterion, but as those which might progressively affect the market price, and thereby make the fixing now an uniform price objectionable. By the term market price, it is not intended to refer to special sales which may have taken place under special circumstances, but to that price for which a Slave *bona fide* equivalent could be purchased at the period of the appraisement, and in that case whether the proprietor receives an actual substitution of an equivalent Slave, or a sum of money, for which at his option an equivalent Slave can be procured, his interests are equally preserved. Even under the supposition that no equivalent Slave could be procured, the principle of appraisement would in no degree be changed. The price of the manumission in that case would be a sum which would be either an equivalent for the increased expense which the proprietor would incur from employing a free person in services in which it is known by experience that free people can be employed, or as a compensation, whatever may be the loss of the Slave's labour

in those services for which it may be found that free labour will not be available, or in those for which free labour may be only partially or inadequately substituted.

The manumission price therefore of Pamela Munro ought not to exceed the price for which "another female Slave equally good and valuable in every respect" could be procured for the minors Pasca. And if the appraisers had been able to form any definite opinion of the price of such a Slave, that amount is the price which they ought to have awarded as the price of Pamela Munro.

It appears by the papers you have enclosed, that the price is nearly double what, according to any calculation, is the current price, and the appraisers are fully aware of having exceeded it in their valuation, for, in the concluding paragraph of the appraisement, they have left it to the Protector of Slaves (out of compassion, as they allege, to a mother's feelings) to purchase a substitute equally good and valuable, at a price more within her means of purchasing her daughter's freedom.

As it would have been a cruel mockery of a mother's disappointment if they had knowingly held out the expectation of an unattainable relief, I am satisfied that the appraisers were fully convinced that a substitute equally good and valuable could have been purchased at a much less price, and that price therefore was the one which they were bound to have fixed in the appraisement.

As it appears that the appraisers in making the appraisement were under an entire misapprehension of the meaning of the instruction, by which they profess to have been governed, and as the Protector of Slaves has no authority to purchase a substitute for the minor, according to the intentions of the appraisers, I have received His Majesty's commands to direct that you submit the case for their reconsideration.

You will not fail to transmit, for the information of His Majesty s Government, the particulars of each manumission case that may be acted upon under the Order in Council, and you will communicate to me, as you have very properly done in this instance, any circumstance that appears to require the attention and instructions of His Majesty's Government.

I have, &c.

(Signed) BATHURST.

Governor Sir Ralph Woodford, Bart.
&c. &c. &c.

No. 24.

My Lord, *Trinidad, 22nd December* 1826.

I HAVE had the honour to receive your Lordship's despatch on the case of Pamela Monro, and I have communicated the same to the Protector of Slaves, who has thereupon addressed to me a letter, which I beg leave to lay before your Lordship.

I have also conferred with the Chief Judge and the Attorney General on the subject: they concur with the Protector of the former appraisement, being binding and conclusive, which prevented the Protector from taking any measures at the time in favour of the Slave: I am also advised that no power exists to question, much less to set aside an appraisement returned as fair and impartial; that the Appraisers themselves, if so disposed, could not alter their decision, and the Chief Judge does not consider himself to be invested with any authority to entertain a second application.

Under all these difficulties I have ventured to await your Lordship's further instructions, previous to issuing any directory orders to the Protector, and as Mr. Burnley is absent from the Colony, I trust that no great inconvenience will arise from the delay.

Your Lordship will do me the justice to believe that I am only prompted to suspend the execution of your Lordship's directions from a desire of putting your Lordship in possession of the objections that occur to the course of proceeding proposed, and that too much caution cannot be observed in a matter

which in its result might become of serious importance to the views of His Majesty's Government, will, I trust, be my apology.

I have the honour to be
My Lord,
Your Lordship's faithful and
obedient servant,
(Signed) RALPH WOODFORD.

The Right Hon. the Earl Bathurst, K. G.
&c. &c. &c.

SIR, *Protector of Slaves' Office, 19th December* 1826.

I have the honour to acknowledge the receipt of a copy of Earl Bathurst's Dispatch, dated the thirteenth day of October last, relating to the appraisement of Pamela Monro, a female slave belonging to the minors Pasca.

The principles upon which the Appraisers professed to act, I considered it to be erroneous at the time I had the honour to transmit the appraisement to your Excellency, but the proceedings for obtaining the freedom of the Slave having been instituted under the Order in Council of the 10th of March 1824, and proceeded in with the formalities observed in all cases of a similar nature, I did not conceive myself warranted in making any representation to the Appraisers, whose valuation was final, and conclusively binding upon all the parties, and from which the law allowed no appeal.

The appraised value of Slaves manumitted by the Chief Judge under the provisions of the Order in Council for the first eighteen months after the Order came into operation, does not average much more than one half of the general average for the last twelve months.

The selling or market price of Slaves however has not experienced a commensurate rise, and therefore it is evident that the magnitude of the appraisements lately made are not occasioned by the encreased value of Slaves.

While the market price of Slaves continues as at present, I would consider the application of other principles of appraisement, to any common case, as an injustice to the Slave, and an encroachment upon the rights conferred upon him by the Law.

To my apprehension the only fair criterion, by which the value of a Slave can be ascertained, is the usual market price, and although that price has risen considerably within the last twelve months, the criterion afforded by it is far exceeded by the generality of appraisements.

It is also certain that the market price will rise in proportion to the decrease of the number or difficulty of procuring plantation Slaves. It is therefore unjust to add to the real value or market price of the Slave purchasing his freedom, a portion of the value of the Estate to which the Slave is attached, until it becomes impracticable to continue the cultivation of the Estate in consequence of the impossibility of procuring a substitute for the Slave who is to be enfranchised.

The other opinions are very generally diffused, and however controvertible they may be by argument, I cannot indulge even the hope that they will be easily eradicated, or prevented from operating very seriously to the disadvantage of the Slave desirous of becoming free. Still, however, as the price of the freedom is left entirely to the judgment and dicta of the Appraisers, there is not at present any existing law that can have the effect of counteracting these opinions, or affording any relief to the Slave; and I must acknowledge, that I cannot suggest or even imagine any remedy to this operation of misdirected judgment, without incurring a risk of subjecting the owner to an injustice equal in magnitude to that to which the Slave is now exposed.

The principle, that the value of the Slave should be estimated at the amount of the capital required to yield a revenue equal to the hire which could be obtained for the Slave, is evidently fallacious, from the fact, that every day instances occur of Slaves being bought for four hundred dollars, or eighty-six pounds thirteen shillings and four pence sterling, who, as Mr. Burnley mentions, may be immediately hired at the rate of six dollars, or one pound six shillings sterling per month, fed, clothed, and the capital guaranteed; the corresponding capital to which, at six per cent (the ordinary rate of interest in

Trinidad), is one thousand two hundred dollars, or two hundred and sixty pounds sterling (the appraised value of Pamela Munro). Yet surely it could not be pretended, that the latter sum was the real value of a Slave which had been bought for one-third of the sum a short time before, and which could not be re-sold at an advanced price.

This, I submit, proves that the market price is the only just and fair criterion for determining the value of a Slave.

I have the honour to be,
Your Excellency's obedient humble Servant,
(Signed) HENRY GLOSTER,
Protector of Slaves.

To his Excellency Sir Ralph James Woodford, Bart. Governor,
&c. &c. &c.

CAPE OF GOOD HOPE.

No. 1.

Extract of a Despatch from Earl Bathurst to Lord Charles Somerset, dated, Downing-Street, 20th February 1826.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 24th of September last, enclosing the draft of an Order for ameliorating the condition of the Slave population in the Settlements under your Excellency's Government, which you had prepared for the purpose of being submitted for the consideration of His Majesty in Council.

It is highly gratifying to His Majesty's Government, that your Excellency has been enabled, with the assistance of your Council, to frame the enactments of this Order, so much in accordance with the provisions of the Trinidad Order; and I am of opinion that your Excellency has accounted in a satisfactory manner for deviating upon certain points from the regulations of that Order.

Under these circumstances, I should have felt no difficulty in submitting your draft of the proposed Order for the consideration of His Majesty in Council, if it had not appeared to me that this instrument might more conveniently be issued in the Colony as a Legislative Act of your Excellency's government; and it is for that purpose that I now return that document in the form of a draft of Ordinance, which your Excellency will accordingly promulgate without delay, and transmit to me for His Majesty's approbation, in conformity with your general instructions.

No. 2.

Extract of a Despatch from Major-General Bourke to Earl Bathurst, dated Cape of Good Hope, 21st June 1826.

I HAVE to acknowledge the receipt of your Lordship's despatch of the 20th February last, addressed to Lord Charles Somerset, covering the draft of an Ordinance for bettering the condition of Slaves within this Colony, and have the honour to inform your Lordship, that, in obedience to the instructions contained in the despatch, I lost no time in laying the draft before Council, by whom the Ordinance has been passed, with some trifling amendments, having reference to the Criminal Courts, in which offences against this Statute are to be prosecuted, and to the time at which its operation is to commence.

I have now the honour to enclose a copy in English of the Ordinance, which will be formally published as soon as it has been translated into Dutch; and in the mean time arrangements are making in the several offices throughout the Colony for carrying the provisions into effect.

G. R.

(Signed) RICHARD BOURKE.

Ordinance of his Honour the Lieutenant-Governor in Council, for improving the Condition of the Slaves at the Cape of Good Hope.

WHEREAS the propagation of Christianity, and the general diffusion of religious instruction amongst Slaves, will tend, beyond any other measure, to promote morality amongst them, and to improve their condition and conduct; and whereas it is necessary that provision should be made for the regular attainment of these objects within the colony of the Cape of Good Hope and its Dependencies; and whereas the Inspector of Slave registry hath hitherto acted as the recorder of the rights and privileges of the Slave population

The Inspector of the Slave Registry appointed Registrar and Guardian of Slaves.

within the same: It is hereby enacted and declared, that the said Inspector of Slave registry shall be, and he is hereby appointed Registrar and Guardian of Slaves in this Colony and its Dependencies; and that, as such Registrar and Guardian of Slaves, he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as His Majesty shall be pleased to appoint; and that such salary shall commence from and after the first day of July next; and that on or before that day, if possible, or, if not then, so soon after as conveniently may be, the said Registrar and Guardian of Slaves shall appear before the Governor, or Acting Governor for the time being, and in his presence shall take and subscribe an oath, in the following words, that is to say:—

His Salary.

Oath to be taken by him.

"I, A. B. do swear, that I will, to the best of my knowledge and ability faithfully execute and perform the duties of the office of Registrar and Guardian of Slaves at the Cape of Good Hope, without fear, favour, or partiality, so help me God."

His Majesty may disunite the Office of Guardian from the Office of Registrar of Slaves.

Provided, nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent His Majesty from disuniting the office of Guardian of Slaves from the office of Registrar of Slaves, and from appointing a distinct and separate officer to act as and to be Guardian of Slaves, in case His Majesty should see fit so to do.

Office of the Registrar and Guardian to be established in Cape Town.

Days and hours of attendance.

2.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall establish and keep an office in Cape Town, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or Acting Governor, by any general or special orders to be by him from time to time issued may appoint; and shall at such office, and not elsewhere, keep, deposit and preserve the several records, books, papers and writings hereinafter directed to be kept by him.

Records, &c. to be preserved in the Office.

Registrar and Guardian not to be Owner or Mortgagee of any Slave employed upon an estate or in agriculture;

3.—And it is further enacted, that the said Registrar and Guardian of Slaves shall not be the owner or proprietor of any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such estate, Slaves or Slave, and shall and is hereby declared to be incompetent to act as, or be the Manager, Overseer, Agent, or Attorney of, for, or upon any such estate, or to act as the Guardian, Trustee, or Executor, of any person or persons having or being entitled to any such estate, or any Slaves or Slave; and in case any such Registrar and Guardian of Slaves shall have, acquire, hold, or possess, either in his own right or in right of his wife, or in trust for any other persons or person, any such estate situate within the Colony, or any Slaves or Slave employed or worked upon any estate, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such estate, or Slaves or Slave, or shall act as such Manager, Overseer, Agent, Attorney, Guardian, Trustee or Executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Registrar and Guardian of Slaves and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office; provided, nevertheless, that all acts which may be done by, or by the order of any such Registrar and Guardian of Slaves, after any such avoidance as aforesaid of such his office and before the same shall, by public notice in the Gazette of the Colony, be declared void, shall be as valid and effectual in the law, as if no such avoidance of office had occurred.

and not to have any interest therein,

on pain of avoidance of Office.

Such avoidance to be advertized in the Gazette, until which all his acts as such are valid.

Registrar and Guardian is to reside in the Colony;

and not to quit the same without licence.

4.—And it is further enacted, that the said Registrar and Guardian of Slaves shall be resident within the Colony, and shall not quit the same without a special licence to be granted for that purpose by His Majesty, through one of his Principal Secretaries of State, or by the Governor or Acting Governor for the time being of the Colony; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such Governor or Acting Governor as aforesaid, unless it shall be made to appear to him, on the oath of some Medical Practitioner, that such absence is necessary for the recovery of the health of the said Registrar and Guardian of Slaves.

In cases of incapacity or necessary absence of the Registrar and Guardian, a Deputy is to be appointed.

5.—And it is further enacted, that upon the death or resignation of the said Registrar and Guardian of Slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the Colony, it shall be lawful for the Governor or Acting Governor, to nominate and

appoint some other fit and proper person to act as the deputy for the said Registrar and Guardian of Slaves until His Majesty's pleasure shall be known; and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said Registrar and Guardian of Slaves, as the Governor, or Acting Governor for the time being, of the Colony shall be pleased to appoint: provided always, that no person shall be appointed or be competent to act as such deputy as aforesaid, who, according to the provisions of this Order, would be incompetent to act as the Registrar and Guardian of Slaves: Provided also, that the Registrar and Guardian of Slaves in the Colony, shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or the Acting Governor of the said Colony, is hereinbefore authorized to appoint a deputy for that purpose.

In other cases he is to perform his duty in person.

6.—And it is hereby further enacted, that the persons who now are, or may be hereafter appointed, to act as Registrars of Slaves in the several districts within the Colony, shall be, so long as the two Offices of Registrar and Guardian of Slaves may be combined together, and they are hereby declared to be Assistant Registrars and Guardians of Slaves, in their several and respective districts; and the said Assistant Registrars and Guardians of Slaves shall, and are hereby required, in their several and respective districts, to be aiding and assisting the Registrar and Guardian of Slaves in the execution of the powers hereby committed to him; and for that purpose, to obey and carry into execution such lawful instructions as they may, from time to time, receive from him, about or in relation to the matters herein mentioned, or any of them.

District Registrars to be Assistant Guardians of Slaves.

7.—And it is hereby further enacted, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within the Colony, wherein any Slave may be charged with any offence punishable by death, banishment, or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave; or wherein any question may arise respecting the right of any Slave to any such property as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Registrar and Guardian of Slaves, or to his Assistants in the several districts, as the case may be, of every such action, suit, or prosecution, as, according to the law of the Colony, would be given to the said Slave, if he or she were of free condition; and the Registrar and Guardian of Slaves, or his Assistant if in a country district, shall, and he is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution as the Guardian of such Slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of such Slave.

In what actions, suits, and prosecutions for and against Slaves, notice must be given to the Registrar and Guardian and his Assistants.

Their duty after notice given them thereof.

8.—And whereas His Majesty is anxious to make the most effectual provision for the religious instruction, and the exercise of religious worship, of the Slaves in the Colony, it is hereby further ordered, that all Sunday markets shall be abolished and prohibited, and be absolutely unlawful: provided always that nothing herein contained shall prevent any individual from selling vegetables, meat, or other articles of provision on a Sunday, except during Divine service: and it is further ordered, that no Slaves shall be deprived by their masters of the right of attending at church, or other place of religious worship, on Sundays, under a penalty of twenty shillings for every such offence, unless justifiable cause can be shewn for such prevention.

Sunday markets prohibited.

Penalty against Masters who prevent their Slaves attending at Church.

9.—And it is hereby enacted, that Sunday being commanded in all Christian States to be a day of rest, it shall be illegal to procure, induce, or compel any Slave to perform or engage in any labour, for the profit of his or her owner, manager, or employer, on the Sabbath-day, or for any Slave to hire himself or herself to work, either to his or her owner or manager, or to any other person on the Sabbath-day; and any person so offending shall incur and become liable to a fine not exceeding five pounds sterling, nor less than one pound sterling: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any Slave may perform on Sunday, on the necessary attendance upon the person, or in the family of his or her owner or employer, or in the necessary and un-

No Slaves to work on Sabbath-day.

Penalty.

Cases excepted.

avoidable preservation of the cattle or live stock upon any country place: provided, nevertheless, and it is hereby declared, that in case it shall be absolutely necessary for carrying on the indispensable labours of the field, or the vineyards on pressing occasions, or for the preservation of the crops or produce upon any plantation or estate in the Colony, and for the prevention of essential injury to the same, to work and employ thereupon any Slaves or Slave on the Sabbath-day; and if any such Slaves or Slave shall, in any such special case, voluntarily consent and agree to work upon any such plantation or estate, for the purpose aforesaid, nothing in this Order contained doth extend, or shall be construed to extend, to prevent any such Slaves or Slave from hiring themselves, himself, or herself, (either to his or her owner, or to any other person) to work upon any such plantation or estate on the Sabbath day: provided always, that no such Slave shall or may lawfully be so hired to work on the Sabbath-day, in the service of any person or persons, except their, his or her owner or manager, unless with the special consent in writing of such owner or manager: provided also, that the Registrar and Guardian of Slaves shall, by notices to be by him, from time to time issued in the usual and most public manner, signify the lowest rate of wages at which Slaves may, during the period of six calendar months next ensuing the date of every such notice hire themselves, either to their respective owners, or with the consent of their respective owners or managers, to work on a Sunday, for the special purpose of the preservation of the crops or produce upon any plantation or estate in the Colony, in which notices shall be stated, the different rates of such wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field negroes or artificers: and no hiring of any Slave for any such special purpose as aforesaid, shall be a legal hiring, or shall be exempted from the penalties of this Ordinance, unless such Slave shall actually receive and be paid, for his or her own use and benefit, wages at not less than the rate so to be fixed by any such public notice as aforesaid. And it is further declared, that nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the employment on Sunday of any Slave or Slaves, as a watchman or watchmen, upon any estate or plantation, or in nursing or attendance on the sick, or in attendance upon the person, or in the family of his or her owner or manager, or in performing or making preparations for any interment, or in extinguishing any fire, or otherwise in preventing any irreparable damage or injury to the property of his or her owner, employer, or manager; and no Slave so employed shall be entitled to any hire or wages for such his or her services: provided, nevertheless, that no Slave shall be employed on the Sabbath-day in field labour, or in any of the ordinary works upon any plantation or estate, upon the pretence, or by reason that any irreparable injury would arise from the postponement of such labour, unless such Slave shall voluntarily engage in the same, and shall for such his labour receive and be paid such hire and wages as aforesaid.

In cases of necessity, Slaves may hire themselves on the Sabbath-day to their Masters or Employers, or others, with their written consent to work upon the estates.

Notices every six months of the lowest rate of wages for such extra work to be publicly issued.

No such hiring to be legal, unless wages are paid.

Further excepted cases.

Slaves to be provided with sufficient and wholesome food.

10.—And it is hereby further enacted, that every Slave within this Colony and its dependencies as aforesaid, shall be supplied by his or her owner or manager with sufficient and wholesome food, and with good and sufficient clothing; and in case of dissatisfaction relating thereto, appeal may be made by either party to the Local Authority; and in case of deficiency, or bad quality of food or clothing being proved, then, and in every such case, the owner or manager shall incur and be liable to a penalty of fifty shillings for the first offence, and of five pounds sterling for a second offence; and in case on the contrary, the complaint be proved to be unfounded and frivolous, the complainant shall be condemned to such legal punishment as the nature of the case shall be found to require.

Penalties.

Punishment of unfounded complaints.

Hours of work for Slaves in garden and field labour during summer and winter seasons.

11.—And it is hereby further enacted and declared, that Slaves employed in garden or field labour, shall not be compelled to work more than ten hours in each twenty-four hours, from the 1st of April to the 30th September, nor more than twelve hours from the 1st of October to the 31st March inclusive, except during the ploughing or harvest seasons, or on other extraordinary occasions of unavoidable necessity: provided always that during the ploughing and harvest seasons, or in cases of unavoidable necessity, a fair remuneration be made to the Slave or Slaves, in money, or by an additional

Remuneration of extra work in time of unavoidable necessity.

proportion of food, at the option of the Slave, to be decided in case of appeal by the Local Magistrate; and in case any owner or manager shall be proved to have transgressed any of the provisions of this Clause, every such owner or manager shall be liable to, and incur a penalty not exceeding five pounds sterling, nor less than one pound sterling.

Appeal to Magistrates.

Penalty.

12.—And it is further enacted, that it is and shall henceforth be illegal for any proprietor, or any person employed by him, or in his behalf, to inflict any punishment on a male Slave, beyond twenty-five stripes in one day, or with any instrument of greater severity than those which now are, or hereafter may be, ordered to be used within the prisons of the district where such Proprietor or Slave may reside; which punishment is not in any case to be repeated until the delinquent shall have recovered from the effects of the former correction, under a penalty in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Punishment inflicted on Male Slaves not to exceed 25 stripes.

Instruments to be used for punishing.

Penalty.

13.—And it is further enacted, that from and after the publication of this Act, no female Slave shall be liable to be publicly flogged for any offence; but all female Slaves offending against any of the existing Laws of the Colony, in cases where their Proprietors, or persons employed by them, or in their behalf, are authorised to interfere and decide, may be punished, if in health, by solitary confinement, with or without work, in any dry and proper place, for moderate periods proportionate to their offence, and in no case exceeding three days; or committing any domestic offence, by whipping privately on the shoulders, to such moderate extent as any child of free condition may be, and usually is punished and corrected in any school for the education of youth in the said Colony: provided always, that the latter punishment be not repeated within twenty-four hours, under a penalty, in breach of any of the provisions of this Clause, not exceeding ten pounds sterling, nor less than five pounds sterling for each offence.

Female Slaves not to be publicly flogged.

Masters authorised to place in solitary confinement not exceeding three days;

or private chastisement, by whipping over the shoulders.

Penalty.

14.—And it is further enacted, that it shall be illegal to inflict domestic punishment on a Slave by any other hand than that of the owner, employer, or overseer, (not being a Slave,) except in cases where the owners or employers (having no free persons in their employ,) are females, or infirm, or suffering under disease, or are upwards of sixty years of age, under a penalty not exceeding ten pounds sterling, nor less than five pounds sterling, to be paid for such offence by the person who shall have caused such illegal punishment to be inflicted.

By what persons corporal chastisement may be inflicted.

Penalty.

15.—And it is further enacted, that should it be necessary for the security or safety of a family or individual to put a Slave in irons, the same shall be reported within twenty-four hours to the nearest Local Authority, under a penalty of five pounds sterling, stating the cause and circumstances under which such measure may be justified; and in default of such justification, the owner or person, or persons employed by him or in his behalf, shall be deemed guilty of maltreatment, and subject to such punishment as is prescribed by Clause 43 of this Ordinance.

Report to be made within 24 hours of the putting a Slave in irons.

Penalty.

The putting a Slave in irons to be deemed maltreatment, unless properly justified.

16.—And it is hereby further enacted, that the corpse of a Slave shall not be interred without a written permission thereto being first obtained from the Local Authority under whose immediate jurisdiction the owner or employer for the time being resides; and any owner, manager, or employer of a Slave or Slaves interring, or causing or suffering a corpse of any Slave in his service to be interred, without such permission as aforesaid, shall be liable to and incur a penalty of not less than five pounds sterling, and not exceeding ten pounds sterling; or in cases where it is not possible to procure the assistance of the Local Authority within twenty-four hours, it shall and may be lawful for such owner, manager, or employer of a Slave, to call in two neighbours who must certify in writing, (to be sworn to when required,) the apparent age, and sex of the Slave, the state of the body, and the probable cause of his or her death; the owner or manager of such Slave shall however be obliged to forward the certificate, so obtained by him, to the Local Authority without delay; but if it shall appear, by marks on the corpse, or from any other circumstances, that the deceased has come to his or her death by unfair means, the said certificate shall be withheld, and a report thereof be immediately made to the nearest Local Authority by the persons so called in.

Corpse of a Slave not to be interred without a written permission.

Penalty.

Where no permission can be obtained within 24 hours, neighbours to be called in;

and their certificates of the probable cause of the death to be forwarded to the Magistrates.

In doubtful cases, immediate reports to be made to the Local Authority.

In prosecutions for unlawful punishments, whereof the traces appear, credit is to be given to the statements of the Slave punished.

17.—And it is hereby enacted, that upon the prosecution of any person being the owner, or acting in the name or in behalf of the owner, of any Slave or Slaves, for inflicting, or causing, or procuring to be inflicted, on any Slave or Slaves, any punishment hereby declared illegal, if the Slave so alleged to be illegally punished shall be produced in any competent Court of Justice in the Colony; and if the marks or traces of recent flogging or laceration shall appear on the person of such Slave, and if such Slave shall, in open Court, declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by such Court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, the owner, or other person having the charge of such Slave, shall be bound to prove, either that the punishment of which the marks may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order; and in default of such proof, such owner, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him. And it is further enacted, that every such prosecution as aforesaid, shall be conducted by the Registrar and Guardian of Slaves, or by his Assistant if in the country districts; and that it shall not be lawful for him, or his Assistant, to discontinue any such prosecution, except by virtue of an order in writing to be for that purpose issued under his hand and seal by the Governor, or acting Governor for the time being, of the Colony; but should the complaint of such Slave prove groundless, the Slave shall be condemned to such legal punishment as the nature of the case may require.

Unless the contrary be proved.

Registrar and Guardian, or his Assistant, to conduct such prosecutions, and to continue therein, unless prevented by written order of Government.

Slaves punishable if their complaints appear groundless.

Marriages of Slaves not within the prohibited degrees permitted.

18.—And it is further enacted and declared, that Slaves who are not in the prohibited degrees of consanguinity, or affinity, may intermarry with their owner's (or respective owner's) consent, had in writing, and delivered to the Local Authority; and that the children of such marriages shall be the property of the owner of the mother: the same to hold good with regard to Slaves of either sex intermarrying with free persons, in which case, also, when the wife is a Slave, the children of such marriage shall belong to her owner.

Children follow the state of the mothers.

Consent in writing of the owners or managers supersedes the necessity of being asked in church, or of appearing before the Matrimonial Court.

19.—And it is further enacted, that the consent in writing of the owner or manager, or the respective owners, proprietors, or managers (as the case may be), transmitted to the clergyman through the Local Authority, shall supersede the necessity of being asked in the church, or of appearing before the Matrimonial Court, to legalize the marriages of Slaves; and the respective Local Authorities shall be responsible that all marriages between Slaves are without delay enregistered, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the country districts, as the case may be.

Slave marriages to be registered, and notified to the Registrar and Guardian.

Slave marriages to be celebrated on Sundays, in churches, or other convenient places,

and children baptized.

20.—And it is hereby further enacted and declared, that Slave marriages shall be celebrated in the church on Sundays, where the locality will permit, and that in other cases the clergymen shall once in six months appoint the most convenient places in their respective districts, for the purpose of marrying Slaves and baptizing Slave children, so as to remove the inconvenience arising from remote habitations; which marriages it shall be lawful for the clergymen to solemnize, upon receiving the written consent of the owner, or manager, through the Local Authority, as above directed; or, in case such written consent has been refused by the owner, proprietor, or manager, upon a licence of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, as directed in the clause next following. And all marriages of Slaves, and the baptism of their children, shall be performed without fee or reward.

Written consent of Owners or Managers, or licences of the Registrar and Guardian, sufficient authority.

No fee allowed.

In case of refusal to consent, the Registrar and Guardian, or his Assistants, are to grant licences.

What is required for obtaining and granting such licences.

21.—And it is hereby further enacted, that in case the owner or manager of both or either of the Slaves as aforesaid, who may be desirous to intermarry, shall refuse to consent to such marriage, or to give such written permission for the celebration thereof as aforesaid, then, and in every such case, if the Slave to be married has attained (when a female) the age of fifteen years, and when a male, the age of twenty years, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall thereupon issue a summons under his hand and seal, requiring the owner or manager of such Slaves, or the persons or person under whose direction such

Slaves may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner, manager, or other person as aforesaid, being duly cited, shall fail to appear, or appearing shall fail to give good and sufficient proof that such proposed marriage would be injurious to the well-being of such Slaves, then, and in such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman, minister, or public teacher of religion, within the said Colony, having a licence from Government to that effect, to solemnize the marriage of the said Slaves; and any marriage so solemnized shall, to all intents and purposes, be binding, valid, and effectual, in law: and any clergyman, minister, or public teacher of religion within the said Colony, having a licence from Government to that effect, by whom any such marriage shall have been solemnized, shall, within fourteen days next after the solemnization, transmit a certificate thereof to the Local Authority, in order to be registered in the records of the respective Matrimonial Courts, as all other marriages are; and that a notification of the marriage be made to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, where separate books must be kept for the registry of all Slave marriages.

No fee allowed.

Substance of the licences.

Licenced marriages valid.

Certificate thereof to be transmitted to the Local Authorities.

Notification to be made, and books to be kept, of all Slave marriages, by the Registrar and Guardian, and his Assistants.

22.—And it is further enacted, that after the celebration of marriage it shall not be lawful to sell any Slave having a husband or wife, who may be the property of the same persons or person, unless such husband and wife shall be sold together, and in one and the same lot, and to the same person or persons; and if any Slave or Slaves shall be sold separate or apart from any such husband or wife as aforesaid, then and in every such case such sale shall be, and the same is hereby declared to be, absolutely null in law, to all intents and purposes whatsoever.

Husband and Wife, the property of the same person, to be sold in one lot, and to the same person;

otherwise sales null and void.

23.—And it is further enacted, that it shall not be lawful to sell any child or children born of a Slave woman within the said Colony, without his, her, or their mother, unless such child or children shall have fully attained the age of ten years, or unless good and sufficient proofs shall have been given to the Court of Justice, through the Registrar and Guardian of Slaves, that it would be for the well being of such child or children not to be sold along with his, her, or their mother.

Children not to be sold under ten years of age without the mothers.

Exception.

24.—And it is further enacted, that any owner or proprietor neglecting to cause the children of their Christian Slaves to be baptized within twelve months after the birth of such children, and to report it within one month after baptism to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, shall incur and be liable to a penalty of not less than fifty shillings, and not exceeding ten pounds sterling for each offence, and shall, nevertheless, be compelled to have such child or children baptized at his own expence.

Children of Christian Slaves to be baptised,

and reported.

Penalty in case of neglect.

25.—And it is hereby enacted, that the clergymen or persons duly authorised to administer that Holy Sacrament, shall report quarterly to the Registrar and Guardian of Slaves, or to his Assistants in the respective country districts, as the case may be, all baptisms of Slaves solemnized by them.

Clergymen to report quarterly to the Registrars and Guardians.

26.—And it is further enacted, that Christian Slave owners or employers residing in Cape Town and other towns and villages, and their immediate vicinity in the Colony where free schools are or may be established, shall send their Slave children, above three years and under ten years of age, at least three days in each week, to any such free schools; and those whose residence will not permit them to afford this consoling advantage to their Slave children, are earnestly recommended and invited to avail themselves of any other means which may offer within their reach for giving them instruction.

Christian Slave Owners to send their Slave-children to free schools.

27.—And it is hereby further enacted, that separate books shall be kept in the offices of the Registrar and Guardian of Slaves, and of his Assistants in the respective country districts, of all baptized Slaves, specifying their ages, sex, date of baptism, and by whom baptized.

Registers of baptized Slaves to be kept.

28.—And it is hereby further enacted and declared, that no person in the Colony, being in a state of slavery, shall be, or be deemed or taken to be, by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, or dispose of property; but

Slaves entitled to possess, dispose of, and sue for property.

every such Slave shall, and is hereby declared to be, competent to purchase, acquire, possess, hold, enjoy, alienate and dispose of, lands situate in the Colony, or money, cattle, implements or utensils of husbandry, or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute and defend, any suit or action in any Court of Justice, for or in respect of any such property, as fully and amply, to all intents and purposes, as if he or she were of free condition.

Interest to be allowed upon money deposited by Slaves in Saving Banks.

29.—And whereas a saving-bank is already established in the Colony, and it is expedient that provision should be made for giving the fullest effect to the same, it is hereby enacted, that interest, at and after the rate of four per centum per annum, shall be allowed upon the amount of every sum of money (not less than twenty-five shillings), which may be deposited in any Saving-bank; which interest shall be a charge upon the general revenues of the Colony. And any Slave making any deposit of money in any such Saving-bank, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his or her contributions to the said Saving-bank shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the saving-bank where such deposit may be made; and, upon the death of the Slave making such declaration, the same shall, in the absence of any other last will, be deemed and taken to be the last will and testament of such Slave, under the direction of the Orphan Chamber, in as far as regards the collection, preservation, and distribution thereof; the same to be free from all manner of charge, fee, or duty: and, in case any such Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration. And it is further enacted, that, in case any Slaves or Slave in the Colony shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such Slave shall go and be disposed of by the Orphan Chamber to and in favour of such persons or person, as, by virtue of the laws of the Colony then in force, may be entitled to any such property. And it is further ordered, that in case any Slaves or Slave die intestate, and without having made such declaration as aforesaid, and have no relations entitled to their succession, then, and in every such case, the property shall be paid by the Orphan Chamber into a fund formed in the Colony, for the purchase of such female Slave children as shall appear to the Committee appointed by Proclamation of the 18th of March 1823, to manage that fund, to be most deserving of such consideration; and the price to be paid for any female Slave or Slaves, whose freedom may be thus purchased, shall be fixed according to their actual value by two arbitrators, after being duly sworn to act impartially; one to be chosen by the owner of the Slave, and the other by the Registrar and Guardian of Slaves, with power to the Court of Justice to name an umpire, in case of difference, who shall be duly sworn for that purpose, and whose award shall be final.

Slaves allowed to make declarations for the disposal thereof at their decease.

Declarations to be recorded, and be deemed last wills.

Duty of the Orphan Chamber.

Such wills avoided by subsequent marriage.

How property is to be disposed of by Orphan Chamber if Slaves die intestate.

Property of Slaves who die intestate, and leave no relations behind, to be paid into the fund for the purchase of Female Slave-children.

Value of such Female Slave-children, how to be ascertained.

Saving-Banks to be under the controul and inspection of the Registrar and Guardian, or his Assistants.

30.—And it is further enacted, that the Saving-banks throughout the Colony shall, as far as the deposits of Slaves are concerned, and for which distinct books shall be kept, be under and subject to the controul and inspection of the Registrar and Guardian of Slaves, or his Assistants in the respective country districts, as the case may be, and that the Governor, or Acting-Governor for the time being, shall be, and he is hereby authorised to appoint such proper and necessary officers, and to make such rules and regulations, as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited; provided that such rules and regulations be not repugnant to this present Ordinance; and that the same be forthwith transmitted for His Majesty's approbation, through one of His Majesty's Principal Secretaries of State.

Officers of Saving Banks to be appointed, and their instructions to be made by the Governor;

and to be transmitted for His Majesty's approbation.

Deposits in the Saving Banks, exceeding 50s. to be made with the consent of the Owners or Managers.

31.—And it is hereby further enacted, that no deposit of money shall at any one time, or within any one week be received at any of the said saving-banks from any Slave, exceeding the sum of fifty shillings in the whole, unless such Slave, at the time of tendering any such deposit, shall produce the consent

in writing of his owner or manager to such deposit being made; and in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit of money, exceeding the sum of fifty shillings, and the owner or manager of such Slave shall refuse his consent to such deposit being made, then and in every such case, the Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall, upon application made to him for that purpose, issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the persons under whose direction such Slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be; or, appearing, shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then, and in every such case, the said Registrar and Guardian of Slaves, or his Assistant in the respective country districts, as the case may be, shall issue an order, under his hand and seal, requiring the manager of the saving bank to receive the amount of such deposit, and the same shall be received by him accordingly.

How to proceed in case of refusal to grant such consent.

32.—And it is further enacted, that no duty, tax, or impost of any nature or kind whatsoever, and that no fee of office, shall be hereafter paid or payable within the said Colony, upon, for, or on account, or in respect of the manumission of any Slave, or the enrolment or registration of any deed of manumission: and if any person within the said Colony shall hereafter take, demand, or receive, any such tax, duty, impost, or fee of office, the person so offending shall incur and become liable to the payment of a fine not exceeding twenty pounds sterling, and not less than five pounds sterling.

No duty, tax, impost or fee to be paid upon the manumission of Slaves.

Penalty.

33.—And it is hereby further enacted, that in case any Slave within the said Colony shall be desirous to purchase the freedom of him or herself, or of his or her wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such Slave to purchase the freedom of himself or herself, or of any such other person as aforesaid. Provided always that every such Slave who shall be desirous so to purchase the freedom of himself or herself, or any such person as aforesaid, shall be able to prove, and shall actually have proved, to the satisfaction of the Registrar and Guardian of Slaves, or of his Assistant in the respective country districts, that the money or other property by which he or she has been enabled to make such purchase, has been acquired by him or her by lawful means; and if, under such proviso, the owner of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, or other charge upon, or interest in such Slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of such Slave, or if the owner, or any other person, having an interest in any such Slave, shall be a minor, or a married woman, or idiot, or lunatic; or if the real and true owner of any such Slave shall be absent from the Colony, or shall not be known, or if any suit or action shall be pending in any Court of Justice in the Colony, wherein the title of the said Slave, or the right to his or her services, shall or may be in controversy; or if the owner of any such Slave shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the Court of Justice of the Colony, on application made to it for that purpose by the Registrar and Guardian of Slaves, shall issue a summons under their hands and the seal of the court, requiring the owner or manager of such Slave, or the persons or person under whose direction such Slave may be, to appear before it by themselves or their agents, at some convenient time and place to be for that purpose appointed; and notice shall also be published by the said Registrar and Guardian of Slaves, in the Public Gazette of the Colony, on three several days, of the time and place appointed for the purpose aforesaid; and in such notice all persons having, or claiming to have, any title or interest in or to the Slave proposed to be manumitted, either in their own right, or as the Guardians, Attorney, Trustees, or Executors of any other person, shall be required to attend and prefer such claim.

Slaves allowed to purchase their freedom, or that of their relations;

upon proof to the Registrar and Guardian, or his Assistants, that the money or property enabling them thereto has been acquired by lawful means.

In case of objection being made, reference to be had to the Court of Justice.

Duty of the Court at the time of meeting.

34.—And it is hereby further enacted, that at the time appointed for any such meeting as aforesaid, the Court of Justice for the Colony, in the presence of the Registrar and Guardian of Slaves, and also in the presence of the owner, or his representatives, or manager of the Slaves or Slave proposed to be manumitted, or upon proof being made to it on oath of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the Registrar and Guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission; or if it shall appear to the said Court that a valid and effectual manumission of any such Slave cannot legally be effected by private contract; or if it shall be made to appear to the said Court that the owner of any such Slave, or that any person having any charge upon, or interest in, him or her, is a minor or a married woman, or idiot, or lunatic; or that the real and true owner of any such Slave, or that any person having any charge upon or interest in him or her is absent from the Colony, or is unknown, or cannot be found; or that any suit or action is pending in any Court of Justice in the said Colony, wherein the title to the said Slave, or the right to his services, is in controversy; or if it shall appear to the said Court, that any difference of opinion exists between the Registrar and Guardian of Slaves in the Colony, and the owner of any such Slave, respecting his or her price or value, then, and in every such case, the said Court shall require the Registrar and Guardian of Slaves, and the owner, manager, or person having the direction of any such Slave, each to nominate an appraiser of his or her value; and the said appraiser, being first duly sworn before the said Court to make a fair and impartial appraisement, shall within seven days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted, and certify such their valuation to the said Court, under their hands and seals; and in case such joint certificate shall not be delivered to the said Court within the said term of seven days, then the said Court shall itself nominate an umpire between such appraisers; and the said umpire, being duly sworn, shall within the next seven days, certify his valuation, under his hand and seal, to the said Court, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Slave Registry of the Colony.

Appraisers of the value of the Slave how to be nominated.

Duty of Appraisers.

Nomination of an Umpire, and his duty.

Appraised value to be paid to the Receiver-General.

35.—And it is hereby further enacted, that, upon payment to the Receiver General or Treasurer of the Colony, of the appraised value of any such Slave as aforesaid, after deducting therefrom the expence of the appraisement to be allowed by the said Court, the said Receiver-General or Treasurer shall grant to the Registrar and Guardian of Slaves, a receipt for the money so to be received by him; and such receipt shall be duly enrolled in the Office of Slave Registry in the Colony, together with a declaration under the hand and seal of the said Court, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly laid before it, and thereupon such Slave shall be, and be deemed taken and reputed to be free, to all intents and purposes whatsoever.

Receipt and declaration of the proceedings to be enrolled.

Slaves so redeemed to be free.

Expences of appraisement to be borne equally.

36.—And it is hereby enacted, that in all cases where such appraisement shall be made by reason of the refusal of the owner or owners of any such Slave to effect his or her manumission, or by reason of any difference of opinion between the Registrar and Guardian of Slaves and the owner or proprietor of any such Slave, respecting his or her price or value, the expences of such appraisement shall be equally borne by, and divided between such owner or proprietor and the Slave proposed to be manumitted. And in all cases where such appraisement shall be made by reason of the inability of the owner or proprietor to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of such owner or proprietor; or by reason of the absence from the Colony of any such owner or proprietor, or other person having a charge upon the said Slave; or by reason that any such owner or proprietor is unknown, or cannot be found,

In what cases half of the expences shall be divided among the Masters and other persons having any interest or charge upon the Slaves.

or by reason of the pendency in any Court of Justice in the Colony of any suit or action wherein the title to the said Slave, or the right to his or her services, is in controversy; then, and in all such cases, the expences of the said appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner or proprietor, or other persons having any charge upon, or interest in him or her; and such last mentioned moiety of the said expences shall be deducted from the money arising from the manumission of the Slave, before the investment thereof, in the manner directed in and by this Ordinance.

Such moiety to be deducted from the apraised value.

37.—And it is further enacted, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the Court of Justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application be made, then such money shall remain in the hands of the Receiver-General or Treasurer of the Colony, and shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such Slave or Slaves was or were held, upon, under, or subject unto, at such the time of his, her, or their manumission: and the said Receiver-General, or Treasurer, shall hold the said money, subject to such orders as the said Court of Justice may, upon a summary application of any person interested therein, see fit to make; and such money shall, by the said Receiver-General, or Treasurer, be paid, applied, and disposed of, in pursuance of, and obedience to, any such order.

How money accruing from such redemptions to be disposed of.

The Receiver-General to hold and dispose of the said money, subject to the directions of the Court of Justice.

38.—And it is hereby further enacted, that before the manumission of any Slave by virtue of any private contract for that purpose, between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the Registrar and Guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said Registrar and Guardian of Slaves shall, also, without fee or reward, prepare the proper deed of manumission, and the same shall, in all cases, be executed in the presence of the said Registrar and Guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed, shall, by such Registrar and Guardian of Slaves, be enrolled in the Office of Slave Registry in the Colony, within one calendar month next after the date and execution thereof; and in case any such deed shall not be registered at the said Office of Registry, within the said period of one calendar month, the said Registrar and Guardian of Slaves shall incur, and be liable to, the payment of a fine, not exceeding fifty pounds sterling, nor less than ten pounds sterling, such fines to be sued for and recovered by His Majesty's Fiscal, in the full Court of Justice.

Redemption of Slaves by private contract to be effected with the knowledge of, and acts of manumission to be executed and enrolled by the Registrar and Guardian.

Penalty, and how sued for.

39.—And whereas by the usages in the Courts of Judicature in the Colony, persons in a state of slavery have hitherto been reputed competent in law to be admitted as witnesses in criminal cases, as well as in civil proceedings; and whereas it is expedient that the said custom should be recognized and established by law, it is therefore enacted and declared, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any Court of Civil or Criminal Justice in the Colony, by reason of his or her being in a state of slavery, if such witness be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned; and provided, also, that nothing herein contained, shall extend to take away or diminish any power and authority which any Court of Criminal Jurisdiction in the Colony now hath, to admit, in any case, the evidence of persons being in a state of slavery: provided, also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in any case in which such Slave would be incompetent to give evidence if he or she were of free condition.

Slaves competent to give evidence on oath;

but in civil suits not for or against their Masters.

Power of the Courts to admit evidence of Slaves in any case, to remain in force.

Rules respecting the incompetency, in certain cases, of Free Persons to give evidence to extend to Slaves.

40.—And it is hereby further enacted, that the salary of the Registrar and Guardian of Slaves, shall, by him, be taken and received in lieu, and in full

No emoluments to be received by the Registrar and Guardian, excepting his salary.

satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if he, the said Registrar and Guardian of Slaves, shall take or receive, directly or indirectly, any fee, perquisite of office, advantage or emolument, other than his said salary, for and in respect to any act, matter, or thing, done or performed by him in the execution of such his office, he shall incur, and become liable to, the payment of a fine, equal to twice the amount of what he may so receive, and shall, moreover, become disqualified from holding such his office.

Penalty.

Half-yearly accounts of the performance of his duty, to be delivered by the Registrar and Guardian to the Governor.

41.—And it is hereby further enacted, that the said Registrar and Guardian of Slaves shall, on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each year, deliver to the Governor, or Acting Governor for the time being, of the Colony, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half-year next preceding the date of such his report; and especially stating the number of the actions, suits, and prosecutions in which he may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns which, by virtue of this Ordinance, may have been made to him by the Assistant Registrars and Guardians of Slaves, within the Colony; and the names of the persons, if any, against whom any criminal prosecution may have been instituted under and by virtue of this Ordinance, together with the number of licences which may by him have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in the Saving Banks in the said Colony, and also a statement of the names of all the Slaves manumitted under the authority of this present Ordinance; and the Governor, or acting Governor for the time being of the Colony, shall, thereupon, administer to the said Registrar and Guardian of Slaves, an oath, that such report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as the said Registrar and Guardian of Slaves shall have made such his half-yearly report, and shall, in manner aforesaid, have been sworn to the truth thereof, then, and not before, the said Governor, or Acting Governor, shall issue to the said Registrar and Guardian of Slaves, a warrant for the amount of his salary, to be paid half-yearly, for the half-year next preceding the date of such report; and the said Governor, or Acting Governor, shall, and he is hereby required, by the first convenient opportunity, to transmit such report, as aforesaid, to His Majesty's Principal Secretary of State, having the Department of the Colonies.

Upon oath.

Salary of Registrar and Guardian to be paid half-yearly upon the receipt of his Reports.

Report to be transmitted to the Secretary of State for the Colonies.

Penalty and disqualification attending fraudulent erasure or interlineation, false entry, or burning, cancelling, or obliterating books, records, or returns, or part thereof.

42.—And it is further enacted, that if the Registrar and Guardian of Slaves, or any of his Assistants in the several districts of the Colony, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and frudulently burn, cancel, or obliterate the same, or any of them, or any part thereof, the person or persons so offending shall be liable to the payment of a fine not exceeding one hundred pounds sterling, and not less than fifty pounds sterling, and shall be disqualified from holding any such office: and the said penalties shall be sued for, if in the case of the Registrar and Guardian of Slaves, by His Majesty's Fiscal, in the full Court of Justice; and if in the case of any of the Assistants of the said Registrar in the country districts, by the respective public prosecutors, before the several Boards of Land-drosts and Heemraden.

How sued for.

How maltreatment of Slaves, not attended with death, is to be punished.

43.—And it is further enacted, that maltreatment of a Slave by the proprietor, not attended with death, shall be punished by fine, imprisonment, banishment, or other sentence of the law, by any of the competent Courts in the Colony, according to the nature of the case and the degree of cruelty exercised, and the Slave so maltreated shall be publicly sold for the account of the owner, but under special condition of never coming again into his power, or into that of his parents, children, brothers or sisters: and in case any person shall be convicted of any cruel and unlawful punishment to any Slave, the said Courts shall, and are hereby authorized, at their discretion, to declare the right and interest of the person so convicted in and to any such Slave to

be absolutely forfeited to His Majesty; but when the maltreatment of a Slave has been attended with death, the Court in giving judgment, shall be guided by the law applicable to homicide. If death has ensued.

44.—And it is further enacted, that if any person shall be twice convicted before any tribunal in the Colony, of inflicting upon any Slave or Slaves any cruel and unlawful punishment within the meaning of the preceding section of this Ordinance, the person so convicted shall, in addition to the penalties thereinbefore mentioned, be declared by the Court before which such second conviction may take place, absolutely incapable in the law to be the owner, or to act as the manager, overseer, or superintendent of any Slaves or Slave within the Colony: and all and every the Slaves or Slave, of which, at the time of such second conviction, any such person may be the owner, shall be publicly sold for his account under special condition of never coming into the power or under the controul of his parents, children, brothers, or sisters. Additional penalty upon second conviction.

45.—And it is further enacted, that maltreatment of a Slave by the overseer, or representative of the owner or proprietor, or by any other individual not being the owner or proprietor of such Slave, shall be punished as if the same had been inflicted on a free person, placed under the superintendence or direction of such overseer, representative, or other individual. Maltreatment by any person not being the Owner, to be punished as if inflicted on a free person.

46.—And it is further enacted, that all complaints shall be brought, and all penalties incurred under the provisions of this Ordinance, shall be sued for and recovered (except where otherwise directed by the same), if in the country districts, before the several Boards of Land-drost or resident and commissioned Heemraden; and if in Cape Town, and the district thereof, before the permanent sitting Commissioner, and, on recovery, shall be disposed of as follows, viz. one-third to the informer, and two-thirds to the fund specified in Clause 29 of this Ordinance, for purchasing the freedom of female Slave children. How penalties are to be sued for, recovered, distributed and applied.

47.—And whereas by the provisions of this Ordinance, for the improvement of the condition of the Slaves in the Colony, it is not intended to infringe on the lawful rights of their owners to the property in their Slaves, or of any other person or persons interested in their value; it is hereby declared, that none of the said provisions shall be deemed to affect in any degree the lawful right of property of the owners in their Slaves, or any just claims to their services. Provisions of this Ordinance not intended to infringe upon the lawful rights of the Owners.

48.—And it is hereby further enacted and declared, that whenever any Slave or Slaves, or any right or interest in any Slave or Slaves, shall, upon the conviction of any person or persons, in the manner in this Ordinance mentioned, become forfeited to His Majesty, his heirs and successors, such forfeiture shall not be carried into effect by the actual seizure, or sale of the property so forfeited, until the particulars and circumstances of the case shall have been reported to His Majesty through one of His Principal Secretaries of State, and until His Majesty shall have signified His Royal pleasure therein: provided, that, pending any such reference to His Majesty, such forfeited property shall be and remain legally vested in him, subject to be divested in case His Majesty shall be graciously pleased to remit any such forfeiture. Sentences of forfeitures of Slaves to His Majesty, not to be carried into effect until His Majesty's pleasure shall be known.

49.—And it is further enacted and declared, that no such forfeiture as aforesaid to His Majesty, of any Slave or Slaves, or of any right or interest in any Slave or Slaves, shall, or according to the true intent and meaning of this Ordinance doth in any way diminish, affect, or take away the right or interest of any person or persons to, or in, any such Slave or Slaves, other than and except the person or persons upon the conviction of whom any such forfeiture may be incurred. No sentences of forfeiture to affect the right of persons, excepting those on whose conviction the Slaves are forfeited.

50.—And it is further enacted, that this Ordinance shall take effect, and be in force from and after the first day of August next. Ordinance to be in force from 1st August 1826.

And that no person may plead ignorance hereof, this will be published and affixed in the usual manner.

GOD SAVE THE KING.

Given at the Cape of Good Hope, this nineteenth day of June one thousand eight hundred and twenty-six.

By command of his Honour the Lieutenant-Governor,
(Signed) R. PLASKET, Secretary to Government.

By order of the Council,
(Signed) D. M. PERCEVAL, Clerk of the Council.

Papers respecting the Religious Instruction of the Slaves in the West Indies.

DIOCESE OF JAMAICA AND THE BAHAMAS.

No 1.

Extract from a Letter from the Bishop of Jamaica to Earl Bathurst, dated 20th February 1826.

I BEG leave to call your Lordship's attention to an extract of a letter, which I have lately received, detailing a mode of instruction, and which has been attended with the most salutary effects.

I have lately visited the Eastern and Northern parishes of the island, and I am happy to announce to your Lordship a growing disposition for the institution of Sunday and Parochial Schools, which experience proves to be the only efficient means of instructing the Slave and coloured population.

I held my second ordination yesterday; three Deacons and five Priests were added to the Ministry.

I am carrying into effect throughout all the parishes, the provisions of the new Clergy Act, and I begin already to perceive the immediate advantages resulting to the Church from that measure.

It is my intention to visit Honduras and the Bahamas about the middle of next month.

Extract from a Letter from the Reverend Griffith Griffiths to the Bishop of Jamaica, dated February 15, 1826.

AT the close of the morning service I select the most forward and intelligent, whether free or Slaves, who, either by moral instruction or otherwise, have committed to memory any considerable part of the Catechism; and these (after having divided the others into classes, each consisting of about twenty, more or less, males and females, adults and children, separately), I appoint as masters over their respective classes, to impart that portion of knowledge that they may have obtained to the more ignorant, and less instructed; this they do with alacrity and faithfulness.

In the mean time, I myself am employed in preparing candidates for baptism and marriage, in explaining the nature of both, and performing the same, which occupies from an hour to an hour and a half. I then visit the different classes, where I am happy to add, an astonishing regularity and subordination have hitherto prevailed. The teaching in classes being over, I enter the reading desk and catechise the whole congregation together till the commencement of the evening service. The number thus instructed regularly since Christmas have been from two hundred to three hundred adults and about one hundred and forty children.

The instruction has hitherto been only oral, and that from want of books, but having now obtained a sufficiency, I propose on my return to commence teaching by letters upon the same principle as before. And although there will be considerable difficulty in getting teachers at the beginning, I do not, however, despair of being able in a few months effectually to obviate this obstacle. As soon as any of them know the alphabet I shall appoint them to teach the same to others, "jamque docenter alios docendo," as Dr. Bell justly observes, whose mode of teaching I adhere to as far as circumstances will admit, and I anticipate a success similar to that of the Madras Asylum.

No. 2.

My Lord, *Spanish Town, Jamaica, June* 12, 1826.

I HAVE the honour to enclose a report of my late visitation to Honduras and the Bahamas, and I venture to draw your Lordship's attention more particularly to that part which refers to the appointment of a free black man, Joseph Watkins; and to suggest whether *Catachist* would not be a more appropriate title than *Preacher*. At the same time it is my duty to bear my testimony to the excellence of his general character, and to the proficiency of his scholars, whom I examined myself, and found them strictly brought up in the principles of the Established Church.

No. 2, is a report from the Curate of the parish of St. Andrew, which is equally creditable to himself and his parishioners.

No. 3, is a statement of a person sent out by the Church Missionary Society, to instruct the Negroes on Papine Estate, in St. Andrew's parish, the property of James B. Wildman, Esq. much praise is due to him for his skill and industry, and I am inclined to augur most favourably of a system of education which seems particularly calculated to meet those appalling difficulties in the instruction of Negroes, listlessness and inattention.

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

The Right Hon. Earl Bathurst, K.G.
&c. &c. &c.

No. 1.

My Lord, *Spanish Town, Jamaica, June* 10, 1826.

I HAVE to communicate, for your Lordship's information, that I visited the Grand Cuymanas on the 20th of March, and had an interview with the Magistrates and other respectable inhabitants of that dependancy of Jamaica. There is no minister of religion of any persuasion whatever on the island: it is a low sand bank, and full of swamps in the centre; about thirty miles in length and seven in breadth. The service of the Church of England is regularly performed by the Magistrates in the towns—George Town and Bodden Town; and all other ministerial duties, as marriages and burials, &c. are discharged by the same Authorities, who receive their commissions from the Governor of this island. They seemed anxious for a Minister of the Established Church, and for the institution of parochial schools. At George Town I observed the timber ready for a new chapel, but I fear their means of contributing to these desirable objects are very limited. I have great satisfaction, however, in bearing my testimony to a very general desire for religious instruction, and I consider this to be a field particularly adapted for the labours of a Catechist. No proprietor possesses more than forty Slaves in the whole island; they are employed chiefly in fishing for turtle and in the manufacture of starch from arrow root and a species of rush; their houses are neat, and the inhabitants are distinguished by a very striking simplicity of manners. There were thirty-one families, regularly married by the Custos, living at George Town. The population is generally estimated at five hundred whites and eight hundred persons of colour—of these latter about two hundred and fifty are free.

I arrived at Belize Honduras, on the 24th of March, but unfortunately in such a state of fever as to be incapable of attending to any public business till the 13th of April, when I consecrated a very handsome new church, built at a great expence by the Settlement, and capable of holding about five hundred persons. A burial ground adjoining was also consecrated. The Rev. Matthew Newport, the Minister, received his appointment from the Superintendant, on the recommendation of the Magistrates; his salary his £300 per annum sterling, and fees to the amount of £200 per annum currency, are secured to him by the colony. He has also some other advantages—as Chaplain to the garrison. A good free school has been endowed by the Settlement, and a very large and commodious school-room and house for the Master has been built. The Master's salary is £300 per annum currency. I found one hundred and seventy children

of different casts receiving instruction here on the Madras system. A branch society for promoting Christian knowledge, of which I am appointed President, has been lately established, and no other books are allowed but such as are sanctioned by the Parent Society in England. I held a confirmation on the 17th of April, when forty-three persons were confirmed, and I left the Settlement on the 18th, after having received every mark of attention and kindness from the Superintendant, Major-General Codd, the Magistrates, and principal inhabitants.

I arrived at Nassau, New Providence, on May 6th, and was received by all the public authorities in a manner very gratifying to my feelings, and strongly indicative of a sincere desire to promote the great objects of my mission. Your Lordship is aware that the Bahamas consist of eleven parishes; 1 Christ Church—2 St. Matthew at Nassau, New Providence—3 St. John, Elenthera—4 St. Patrick, Harbour Island—5 St. Salvador, Cat Island—6 St. Andrew Exumas, great and little—7 St. Paul, Long Island, Rum-key, &c.—8 St. David's, Crooked Island—9 St. George, Caicos Islands—10 St. Thomas, Turk's Islands—11 St. Peter, Abaco.

I regret to say, that there are only three churches and two clergymen in these eleven parishes, namely, Christ Church, the Rev. W. Hepworth, and St. Thomas, Turk's Islands, the Rev. William Strachan. The church in Harbour Island, St. Patrick, was blown down about a year and a half ago, and no measures have yet been taken to rebuild it. Under these circumstances I consulted with Mr. President Munnings (now at the head of the Government, in the absence of his Excellency Major-General Grant), in what manner the very pressing wants of the church in this part of the diocese could be supplied; and I thought it my duty to submit to him the Clergy Act, passed last Session in this island, together with such suggestions as I thought applicable to the colony, and I have every reason to conclude that these measures will be taken into consideration by the Legislature at their next meeting.

The Rev. W. Strachan, now Rector of St. Thomas, was duly instituted by me, and is ready to take possession of the living of St. Matthew, Nassau, (to which preferment he has been already presented by the Governor), as soon as I shall be enabled to send a clergyman to succeed him at Turk's Island. Catechists under the direction, and subject to the controul of the clergy, with my licence, might be employed with great effect and advantage in this part of the diocese.

There is a free-school at Nassau, supported by the colony, where one hundred and twenty-six children, white and coloured, are educated. The master receives four pounds ten shillings for each pupil.

There is also another school for coloured children, to which Joseph Watkins, a free black man, was appointed master by the Associates of Dr. Bray's Charity, in 1814, at a salary of thirty pounds per annum sterling.

In 1822, this person was appointed by the Legislature *Preacher* at St. Paul's Chapel, a place of worship *unconsecrated*, and *private property*, with a salary of fifty pounds per annum currency. He reads every part of the Church service, including the Absolution, to a large congregation, and expounds the Scriptures. I can, of course, have no jurisdiction over a Layman in his character: but I cannot help observing on the irregularity of a person not in holy orders thus ministering publicly in the congregation, but whose services appear to be sanctioned by the Colonial Government.

I took my seat as a Member of Council in this colony on the 9th of May.

I cannot conclude my observations on this part of my diocese without remarking that the Slave population throughout the Bahamas is in a very improved state. They are much encouraged by their masters to work out their own freedom at a moderate price, by faithful service, for a stated period; and I am inclined to attribute their advancement in civilization, amongst other causes, to their coming frequently in contact with their masters as domestic servants, and to the small proportion they bear to the whites, compared with any other colony.

(Signed) CHRISTOPHER, JAMAICA.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

No. 2.

Extract from the Report of the Rev. W. H. Lindsay, Curate of St. Andrew, Jamaica, to the Lord Bishop of Jamaica, March, 1826.

YOUR Lordship is probably aware that my duty on Sundays commences with a visit to Stony-Hill Barracks, the head-quarters of the 50th Regiment, being a distance of six miles from my place of residence; from whence (having read the morning prayers, attended the school, and performed whatever extra services may have been required) I return in sufficient time for the celebration of Divine Worship in my church, which is generally most respectably attended by the several families resident in the parish. At the conclusion of the service, I retire into the vestry room, followed by such persons of colour as have attended for the express purpose either of being admitted by baptism into the bosom of the church, or of being united in the holy state of matrimony. Following the example of other diligent and successful promoters of the Gospel in your Lordship's diocese, I admit none to the blessed privileges of Christianity, neither infants nor adults, unless the former are accompanied by their respective sponsors, who have so far advanced in religious knowledge as to be able to comprehend the meaning of the Sacrament, together with the nature of the obligation which they have assumed, and unless the latter can answer a few easy simple questions relative to the leading articles of their faith, and are in like manner attended.

Thus, my Lord, by pursuing such an undeviating line of conduct, are gained two material objects, highly conducive to the spiritual welfare of the Slave. For, in the first place, by the latter mode of proceeding, no Negro will presume to present himself before me as a candidate for baptism without having used some exertions to procure instruction, knowing that rejection will be the inevitable consequence of his inability to reply to the questions proposed to him; neither do I conceive that the progress of the Gospel will, by such a method, be in any way retarded, or that the admission of converts to Christianity will be less frequent, as man is generally most eager in pursuit of that which is difficult of attainment. To those whom ignorance compels me to reject, I give a note addressed to their employers, stating my reasons for so doing.

Secondly, by requiring the regular attendance of sponsors, I am enabled to form a tolerable class, in instructing and catechising, whom I am usually employed for the space of forty minutes, or an hour, preparatory to my advance to the Altar, for the purposes already related. Having thus discharged my duties in the church, my attention is immediately directed to the parish workhouse, where I read the evening service, and conclude with a short, plain, and familiar lecture, adapted to the capacities of my hearers, and which, from their general murmur of approbation, and the gratitude they express, I am convinced they thoroughly comprehend.

I am happy, my Lord, to be able to bear testimony to a very laudable spirit and desire of improvement which has lately manifested itself among the free persons of colour resident in this parish. In the month of March I received a letter (of which I annex a copy), and it was mentioned by the bearers of this letter, in the name of their acquaintance, that they would willingly defray the expence of lighting the church, provided I would grant my attendance and afford them further information, with which request, of course, I readily complied, and I can assure your Lordship that the result has exceeded my sanguine expectations. My congregations on Wednesday evenings consist, almost exclusively, of coloured persons, bond as well as free, amounting to about an average of one hundred and fifty individuals. Seven o'clock is the hour at which service commences, when all servants can conveniently attend; and it is a pleasure to observe with what order and decorum they return to their respective homes. I must not omit, also, to mention, that the Magistrates and Vestry have lately contributed all in their power to the furtherance of religion and improvement of the lower classes, by assuming to themselves all the above-mentioned expences, and also by giving every encouragement to their Negroes to attend. I am about to give public notice of my intention of opening a Sunday school, which will be conducted by competent persons, under my own superintendence, for the benefit of such children as may resort thither for instruction. A tax has lately been imposed

upon the parishioners, under the provisions of the new Clergy Bill, for defraying the charge of erecting a chapel upon a convenient piece of land, gratuitously granted by our worthy Custos for that purpose, and that it is the intention of the parish next year to erect another chapel upon as convenient a spot as can be selected. (Signed) W. H. LINDSAY.

Copy of a Letter from the Free Persons of Colour to the Reverend W. H. Lindsay.

WE, the Undersigned, derive great benefit from your religious instruction, and, hoping you will grant our request of Evening Prayers on Wednesdays, for the benefit of the poorer classes that are unable to attend Divine Service on Sundays. Signed by twenty-six persons.

No. 3.

June, 1826.

Extract from the Report of Mr. Thomas Jones, of the Church Missionary Society, transmitted to the Bishop of Jamaica, relative to his mode of instructing the Slave Population at Papine Estate, in the Parish of St. Andrew.

I COMMENCED instructing the Negroes on the above estate in the month of last February, from which period I have generally taught them every morning from seven o'clock to nine, from ten to twelve, and in the afternoon from one to two, and from two to five. I have also taught the adults from seven in the evening from the 1st of April. The number thus under my instruction are fifty-four children and fifty adults; out of this number there are forty-three in monosyllables, and one young woman who has begun to read the New Testament. The Negroes of this property have given upwards of ten pounds towards an intended organ, and they express themselves as very thankful in having amongst them a teacher of religion.

My manner of communicating knowledge and religious instruction is thus: I first endeavour to gain their attention, *then* their affection, and lastly, their confidence. After this I shew them what is a real object, and what is not, what relation one thing has to another, and make simple observations thereon, or any other circumstances that may have transpired. I then hear their lessons, and when I perceive that they begin to grow weary (which in this tropical climate no person will be surprized at) I begin to call their attention to any pleasing object, and ask their opinion upon it.—They then read again, after this I exercise them with their hands, saying, "Up, down, over, under, above, below, high, low, &c." On a different day I question them on religious topics, teach them figures and different sorts of lines, as round, oval, square, &c., then the days of the week, month, &c.

9th June 1826. (Signed) THOMAS JONES.

No. 3.

My Lord, *Spanish Town, Jamaica, September* 1, 1826.

I HAVE the honour to transmit, at the request of the Corporate Body of Kingston, certain Resolutions on the subject of an additional place of worship in that city, and also an estimate of the probable expence for erecting such building.

Having failed in repeated endeavours to raise a larger sum than that which is specified in the resolutions by private subscription, I was in hopes that the deficiency might have been supplied by a tax to be levied on the inhabitants generally, according to the provisions of the Consolidated Clergy Bill. I am induced, however, to conclude, from all that I can collect on the subject, and particularly from the Report of a Select Committee appointed by the Corporation to investigate the distressed state of the finances from late commercial embarrassments, and the great arrear in collecting the public taxes, that the facts, as detailed in the accompanying document, are sub-

stantially correct; of the expediency and, indeed, absolute necessity of this additional place of worship, there can be no doubt, and I cannot give your Lordship a more satisfactory proof of the good disposition for religious instruction, if there were the power, than the recent establishment of a large Sunday-school, by private contributions.

I am induced to hope that, under these circumstances, your Lordship will deem this case entitled to the favourable consideration of the Lords Commissioners of His Majesty's Treasury. It is my sincere conviction, that any seeming backwardness in carrying into effect recommendations of this nature, and having for their object the instruction and improvement of the lower classes of the people, arises, in the present state of this colony, from a want of means rather than of inclination.

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Resolutions entered into by the Court of Common Council, held in the City and Parish of Kingston, on Tuesday the 1st day of August 1826.

1st.—That the inhabitants of Kingston, deeply impressed with the necessity of increasing the number of places for public worship, according to the forms of the Church of England, have raised by subscription the sum of £4,200 for building a chapel, of which sum £1,200 have been expended in the purchase of a piece of ground and otherwise.

2d.—That by the estimate now submitted to this board, it appears that a chapel capable of holding one thousand persons can be built for £5,500, and that the ground can be enclosed, and the chapel fitted for Divine worship, for about £1,500 more, making an aggregate expence of £7,000.

3d.—That to complete such chapel, the sum of £4,000 currency, or £2,500 sterling, is required in addition to the subscription already made.

4th.—That the state of this community renders it utterly impossible to raise in it any further funds, either by direct taxation or by a loan; the existing taxes, heavy and intollerable as they are, being barely sufficient to meet the exigencies of the city.

5th.—That the Lord Bishop be, therefore, requested to apply to Earl Bathurst under the letter now laid before this board, for the sum of £2,500 sterling, that being a sum nearly equal to what has been paid, subscribed by the inhabitants of Kingston.

Vera Copiæ.

(Signed) B. O. WILLIAMS, C. C. C.

A Specification of Carpenters, Masons, and Painters' Work required in building a Chapel, 65 *Feet by* 45 *Feet, out and out.*

EXCAVATING and building the foundation three feet below the surface of the ground, and two feet above, three feet thick; the first story to be built of bricks thirteen feet high, two and a half feet thick; the second fifteen feet high, two feet thick, with brick cornices all round and parapet wall in front three feet high; the whole of the door and window frames to be built in with level jams, and built up with stock bricks with rub and gauge arches, plastering and white-washing, three coats. Building foundation for columns; filling up and paving the building with hard bricks; building foundation for three porticos to entrance, sixteen by twelve feet, with steps to the same, and paving with tiles.

Carpenter's Work.

Framing roof over all with beams, king-posts, principals, purloins and braces, plate and beams of hard wood; the remaining part of roof of pitch pine, close boarded with white pine, and shingled with best twenty-two inch cypress shingles, laying leaden gutter to front parapet.

Making three doors with fanlight doors of cedar, twelve feet by six feet out to out; making twenty-three sash-frames complete, nine feet high by four feet six inches, with circular tops; frames of pitch-pine and sashes of cedar; putting up thirteen turned columns of mahogany to support gallery; sils of gallery to be of hard wood; joisting and flooring of pitch-pine.

The whole of the pews to be of cedar, with turned ballustrades under hand-rails of gallery; the upper ceiling to be flat, and ceiled with cedar; joisting of pitch-pine; ceiling under gallery and porticos of cedar; erecting two stair-cases of pitch-pine; hand-rails and ballustrades of mahogany.

Erecting three porticos to entrances, with four turned hard-wood columns to each, to be flat and covered with lead, with facia boards and cornice; joisting and ceiling the same; and furnishing a sufficient number of pitch-pine benches for the ground-floor.

The above building could be completed in nine months for the sum of £5,400, including painting the same with three coats of oil colour.

No. 4.

My Lord, *Spanish Town, Jamaica, October* 14, 1826.

I HAVE much satisfaction in announcing to your Lordship that three of the new chapels, built by voluntary contributions of money, labour, and materials, have been already consecrated. One called Harewood Chapel, in the parish of St. Thomas in the Vale, on the property of the Earl of Harewood, who has most liberally promoted the work, and two, St. David's and St. George's Chapels, in the districts of Carpenter's Mountains and Mile Galley, in the parish of Manchester; another called Providence Chapel, in the Carpenter's Mountains District, is nearly finished and ready for consecration. All these buildings are neat and substantial, well situated for the accommodation of the Slave population, and capable of containing from four hundred to five hundred persons. The proportions of Harewood Chapel are sixty feet by thirty: of the others, about fifty feet by twenty-six, thirteen feet high.

I enclose the Report of the Committee appointed by the Corporate Body of Kingston, with reference to the additional place of worship in that city, and to which I alluded in my last communication, and,

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

YOUR Committee appointed to take into consideration the contingencies and ways and means of the city and parish, for the current year, have considered their Report, and taking into consideration the death of Mr. Wood, and the consequent effect upon the recovery from his estate, the large claim due to the public of this city, (although every disposition is evinced by his executors to facilitate an early adjustment), are now reluctantly compelled to propose an increase of the taxation recommended in their former Report, and beg to amend the same by adding fifty per cent. on the church and poor, and expunging the stock or trade. The attention of your Committee has been seriously drawn to the distresses of the burthened inhabitants, so apparent both in the decrease of all taxable property in this city, as in the state of the arrearage rolls, upon which considerable sums are uncollected, and, notwithstanding the order of your board to enforce payment, are not likely to be available for the present purposes. The very unfavourable aspect of affairs in this parish interposes insurmountable objections to an increased tax of such magnitude as would be occasioned by any kind of provision for erecting a chapel. Your Committee have therefore abstained from further burthens, but, on the contrary, feel themselves imperatively called upon to recommend to your board a reduction in the pay of the town guard immediately, and a

reduction (commensurate with the duties to be performed) in the salaries of your officers; such reduction to take place at the commencement of the ensuing year; and that, for obvious reasons, the scale should be fixed and made public at the earliest convenient day; your Committee finally recommend the sale of the premises purchased for a beef market.

(Signed) T. L. YATES.
JNO. FOWLES.
B. J. WILLIAMS.

No. 5.

My Lord, *Spanish Town, November* 9, 1826.

I HAVE the pleasure to announce to your Lordship that much progress has lately been made in the establishment of Sunday and Parochial Schools. A liberal private subscription has been entered into for engrafting a school of industry on Buckford's Free School at Spanish Town, (the children to be instructed in trades after school hours), and a master has been engaged from the National School Society in England, to superintend it. I have also appointed a Catechist under the direction of the Rector to catechise the Slave population three days in a week.

With the consent of the Coporate Body at Kingston, a large public building has been appropriated for a day school for all descriptions of persons; a fund for the support of Sunday schools in Kingston, has also been established by voluntary subscription, by which upwards of three hundred children, of all classes, are receiving the benefit of religious instruction.

The vestries of the parishes of St. Elizabeth and Clarendon, have likewise voted a sum of money for schools for persons of free condition, which I consider a measure of much importance, as so many persons of that class have hitherto not had the means of obtaining instruction.

I have the honour to enclose a memorial from the Justices and Vestry of St. Thomas in the East, relative to the erection of a chapel in Blue Mountain Valley, a place every way calculated for that purpose.

Also the first report of the Branch Association of the Incorporated Society for Conversion, &c. of Negroes, by which it appears that upwards of two thousand children are receiving religious instruction in that parish, and three Catechists have been appointed there out of the funds of the above society; I can add my testimony to the principal facts stated in the memorial, and I beg leave to draw your Lordship's attention to it, from the great exertion which that parish has made in promoting these important objects.

I have, &c.

(Signed) CHRISTOPHER, JAMAICA.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

To the Right Honourable the Earl Bathurst, K. G. &c. &c. &c. His Majesty's Principal Secretary of State for the Colonial Department.

The most respectful Memorial of the Justices and Vestry of the Parish of St. Thomas in the East, in the Island of Jamaica,

Sheweth,

THAT the Parish of St. Thomas in the East, in the island of Jamaica, contains a Slave population of about twenty-five thousand souls.

That, for the religious instruction of so large a population, there are at present six places of religious worship, including those of every denomination of Christians, and capable of affording accommodation altogether to about three thousand persons.

That, in the erection of chapels, and other works connected with the dissemination of Christianity, through the medium of the Established Church,

your Memorialists have, within a short period, expended a sum amounting to £6,000, and that their desire to contribute to the utmost of their ability towards the improvement of their Slave population, remains unabated.

That, owing to the vast depreciation in every article of colonial property and produce, and the consequent and unparalleled distress which now pervades this portion of the Empire, your Memorialists, notwithstanding the increasing demands, from a rapidly improving population, are no longer able to support the heavy expence incidental to the erection of additional places of religious worship, and unless timely aid be afforded them by His Majesty's Government, they must despair of seeing accomplished, to any considerable extent, that great National object—Negro instruction and civilization.

That, animated with an anxious desire to promote the happiness of their Slaves, your Memorialists, amidst the abounding distress, are still willing, as far as their means will allow, to contribute a fair proportion of the expence attending the erection of such additional places for religious worship as may be deemed sufficient to supply the existing necessities of their parish, provided His Majesty's Government, in consideration of the heavy expences already incurred for this specific purpose by your Memorialists, coupled with their present commercial distress, and the urgent claims of their Negroes, will be graciously pleased to afford them that reasonable aid which your Memorialists have been informed has already been extended, in some instances, to the neighbouring diocese of Barbadoes.

That, with a view to affording the means of religious instruction to the Negroes in a district of their parish, known by the name of Blue Mountain Valley, a district yet wholly destitute of a place of worship of any kind, and containing a Slave population of upwards of five thousand souls, exclusive of a very great number of the same description of persons resident on the borders of the adjacent parishes, and by whom the erection of such a building would bave been hailed with the liveliest satisfaction, your Memorialists recently advertised for estimates for the completion of a plain substantial chapel capable of containing only about five hundred persons, but, from the very heavy demands, say £2,090 Jamaica currency, your Memorialists, from causes already explained, were, and still are, unable to carry the same into effect, although a sufficient quantity of land, through the benevolence of a private individual, has been legally conveyed to your Memorialists for this express design.

That your Memorialists, from the foregoing considerations, most humbly and repectfully solicit the aid of His Majesty's Government to enable them to meet the Spiritual wants of this numerous portion of their fellow parishioners, and further, they would earnestly entreat an explicit answer, first, as to the *conditions* on which they may hope for aid from His Majesty's Government; and secondly, as to what extent means will be afforded to those who may be anxious and ready to comply with such conditions.

That your Memorialists, confidently relying on the benevolence of His Majesty's Government, pledge themselves, it permitted, most faithfully to expend their bounty for the public good.

And, as in duty bound, shall ever pray. By order of Vestry,

FRED. HILL, Clerk of Vestry,
St. Thomas in the East.

St. Thomas in the East, Jamaica,
October 30, 1826.

No. 6.

Extract from a Letter from Earl Bathurst, addressed to the Bishop of Jamaica, dated the 22d February 1827.

I HAVE received your Lordship's despatch of the 6th of December last, and I approve of your having required the Clergymen who were holding island curacies in conjunction with their stipendiary appointments, to resign one or the other of those clerical offices, whereby the intention of Parliament will be fulfilled, of adding the number provided for by this country, to the number provided for by the colony.

DIOCESE OF BARBADOES AND THE LEEWARD ISLANDS.

No. 1.

My Lord, *Ottery St. Mary, 8th November* 1825.

IN further reply to your Lordship's letter of the 28th February last, in which you are pleased to call my attention to that part of the report upon the state of Anguilla, which relates to its deficiency of religious instruction, I have the honour to inform your Lordship that I visited that island, and had full opportunity of examining for myself, and conversing with the leading inhabitants on the subject.

There were formerly two places of public worship in the island, a church and a chapel, at some distance, overlooking the salt ponds, where the inhabitants periodically assemble for the purpose of gathering salt. The sites, both of the church and chapel, can easily be traced, and the tombs are still to be seen in their vicinity. At present there is neither church nor clergyman on the island, but both are greatly desired. Marriages and baptisms are generally performed by some clergyman from St. Kitts, who may happen to visit the island.

Of the feeling of the inhabitants, your Lordship will be enabled to judge from their addresses to me, of which I had the honour to send a copy to your Lordship; and I beg to extract the following passage from a letter which I received from Mr. J. Hay, one of the two representatives of the island.

" Your Lordship," he writes, " having come upon the Natives unawares, will have had full opportunity of viewing the nakedness of the land, and the primitive state of civilization among the inhabitants of this hitherto forlorn portion of the British Empire. Your Lordship I am aware will have seen enough to satisfy yourself that much, very much, remains to be done for these people, as well relating to their spiritual, as to their temporal welfare; and I augur, as one of the happiest events for their future prosperity, the benevolent objects of your Lordship's mission to this remote part of your diocese."

The measures which I proposed, included the re-erection of the church and chapel on the original sites, which were well selected; the erection of a parsonage-house, near to the church, for the residence of the clergyman; the provision of a clergyman, with two catechists under him, to be located, one in the vicinity of the church, and the other near the salt ponds, with schools similarly located under their care. Service would be performed by the clergyman at the chapel regularly once on the Sunday during the salt season, and at other times at the clergyman's discretion.

I requested to have a written statement what portion of the expence the island could bear; what prospect of contribution there was of labour and materials, and what sum of money would be required for the erection of the several buildings. A copy of their answer I have the honour of enclosing for your Lordship's information, and I have only, in conclusion, to recommend most earnestly the spiritual wants of the island of Anguilla to your Lordship's most favourable consideration, and to solicit from His Majesty's Government some pecuniary aid towards carrying the proposed measures into effect.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

MAY IT PLEASE YOUR LORDSHIP, *Anguilla, June* 9, 1825.

HAVING been this day convened for the purpose of ascertaining how far the present means and resources of the inhabitants of this island would enable them to contribute towards the erection of the two churches and the parsonage, as recommended by your Lordship on the occasion of your Lordship's late visit to this part of your diocese, we beg leave to say to your Lordship, that we cannot make an exact estimate at present of the amount that could be raised here for that purpose; but we are of opinion that £1,000 sterling might be contributed without much difficulty or inconvenience, particularly as a great part of that contribution would consist of lime, stone, and such other materials as might be procured in this island merely by the personal labour and industry of the inhabitants thereof. Such, in fact, is the zeal of our population generally, even of many of those who from necessity have attached themselves to the Methodist Society, established here to co-operate with your Lordship in promoting a respectable and adequate church establishment in this island; that, but for our restricted means, we candidly believe there would be no limit to the liberality of the public to the accomplishment of an object so indispensably necessary. There being very little specie in this island, any large sum in cash could not be raised here in the way of contribution; but our personal exertions in every other way in which it might be found necessary to contribute to the object in view we can confidently assure your Lordship will never fail or be wanting. To conclude, we think that, with the aid of about £1,500 sterling from the Mother Country, we should be able to complete the whole of the said buildings. We shall, however, set on foot a subscription immediately, and, from the result of it, we shall soon be able to ascertain more accurately the extent of our means, which we will take the earliest opportunity of communicating to your Lordship.

We remain, &c.

(Signed) WM. RICHARDSON,
Lieutenant Governor.

No. 2.

Extract from a Letter from the Bishop of Barbadoes to Earl Bathurst, dated 11*th May* 1826.

AN Act of the Legislature has passed to raise the stipends of the parochial clergy from £300 Cy. to £500 Cy. payable, not as before, from the local Treasury and *the respective Vestries*, but from the Treasury *alone*.

Another Act has passed regulating the parochial fees; and three other Acts relative to the Slave population have passed, or are in progress, of which I hear favourably.

The building for the girls' school is nearly finished, and reflects highly to the credit of the island and the architect.

The foundations of the new church are laid very solidly, and a great mass of building materials collected, and the Committee wait only the encouragement and assistance of His Majesty's Government to resume, with their former vigour, the very important and necessary undertaking in which they are engaged.

No. 3.

MY LORD, *Barbadoes, July* 3, 1826.

I HAVE signed, and have now the honour of transmitting to your Lordship, the memorial of the Church Building Committee in the Island of Barbadoes, praying for pecuniary assistance from His Majesty's Government towards the erection of a new church in Bridge Town, and I have most earnestly to entreat your Lordship to be pleased to make such a representation of their case to the Lords Commissioners of His Majesty's Treasury as may obtain for the petitioners sufficient aid to complete so important a building.

The sums that have been voted within the last fifteen months for ecclesiastical purposes by this island have been very large. Towards the repair and enlargement of the parish churches and parsonage-houses and schools £12,000 currency; towards the increase of the stipends of the parochial clergy £2,200 Cy. a year, thus raising their livings from £300 Cy. to £500 Cy. a year, independent of the parsonage houses, which are kept in repair at the expence of the respective parishes. By private subscriptions, added to the local funds of the institution " of the Central Schools in Bridge Town," a building has been erected, and will be opened on the 1st of August next, for the reception, and board, clothing and education of poor white girls, at an expence of £2,000 Cy. and towards this institution the Legislature had for some years voted the sum of £800 Cy. and propose, I am informed, to raise this to £1,200 annually; thus providing for the rising generation of lower whites an education the benefits of which will not be confined to themselves. And now, in the present instance, when the necessity of an additional place of worship in the populous town of Bridge Town was placed before the inhabitants, and a certain degree of pecuniary aid held out from His Majesty's Government, the island, as your Lordship will perceive, from the accompanying memorial, have not been backward, but, in their public and private capacities, have contributed largely to so desirable an undertaking.

The estimated expence may appear great to your Lordship, but building of every kind is dear in this country; and, from the situation of the proposed church, in a town, and amid houses thickly built of wood and with shingled roofs, it was necessary that it should be large and substantial, though as plain as possible. I am led to hope that we shall find the expence, when the building is finished, to be within the estimate. Your Lordship may be assured that the utmost attention will be paid to economy, and every possible superintendence, as the work proceeds, given by the Members of the Committee.

I have had the honour of receiving your Lordship's letter of the 28th of April 1826, notifying the opinion of the Lords Commissioners of His Majesty's Treasury, that one half should be the maximum of contribution towards the erection of churches, schools, &c. in the West Indies; and requiring, before they determine upon the amount to be contributed in each case, that they should be furnished with all the particulars of such case, and especially with a statement of the means intended to be appropriated from other sources.

This communication of your Lordship's has been received in this island with very great satisfaction, and will, I have reason to think, lead to exertions fully answerable to your Lordship's expectations. In conformity with your Lordship's directions, contained in the conclusion of your communication, I have requested a memorial to be drawn up with the information required by the Lords of the Treasury, and have now to repeat my earnest entreaty that your Lordship will be pleased to transmit the memorial to their Lordships with such a representation from yourself, as such exertions on the part of the inhabitants of this island, in their public and private capacities, and so important a building may seem to your Lordship to deserve.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

The humble Memorial of the Church Building Committee in the Island of Barbadoes,

Sheweth,

THAT the population of Bridge-Town, in the said Island of Barbadoes, having considerably increased for some years past, the same being now estimated at not fewer than twenty thousand inhabitants, it was thought advisable to erect another place of public worship, according to the Established Church.

That the Lord Bishop of the diocese, therefore, very shortly after his arrival in this island, perceiving the necessity of there being a second place

of public worship, called a meeting of the inhabitants to take the subject into consideration, and a meeting accordingly took place on the fourth day of May, in the year of our Lord one thousand eight hundred and twenty-five, when certain resolutions were entered into, a copy of which your memorialists beg leave to annex to this their memorial.

That, from the situation of the present church of Saint Michael (the same being at one extremity of Bridge-Town), and other causes, the new church was required to be built in a very substantial manner, capable of holding about fifteen hundred persons, with seats expressly appropriated for the coloured people (the whole of the galleries being set apart for that class of persons), and the building, in which great progress is made, is ninety feet long and sixty feet broad.

That the estimated cost and expence of the said new church amounts to about the sum of £15,648 1s. and 5d., towards which voluntary contributions have been raised amounting to the sum of £2,975 7s. 7d., and the Legislature of the island have granted £5,000 currency, and have also appointed your memorialists a committee to direct the erection of the said new church.

That, unless your memorialists are greatly assisted in promoting the object they have in view, they will be unable to finish the same.

Therefore your memorialists most respectfully beg leave to address your Lordships on the occasion, and to solicit that your Lordships will be pleased to grant them such assistance out of His Majesty's Treasury as to your Lordships shall seem meet and proper.

And your memorialists, as in duty bound, will ever pray, &c.

(Signed) W. H., BARBADOES.
JOHN A. BECKLES.
WILLIAM GILL.
EDW. ELLIOT.
H. S. CUMMINS.
G. JEMMETT.
M. COULTHURST.
W. GARNETT.
W. EVERSLEY.

BARBADOES.

At a Meeting of the Inhabitants of this Island, at the Temple, in Bridge Town, on Wednesday the 4th day of May 1825, pursuant to a public advertisement.

PRESENT:

The Right Reverend the Lord Bishop in the Chair, supported by his Excellency Sir Henry Warde, K. C.B. Governor, &c. &c. &c.

THE Lord Bishop having opened the object of the meeting, and explained the necessity and expediency of erecting one or more places of public worship in the parish of St. Michael, and his Excellency the Governor having addressed the meeting fully on the subject, the following resolutions were severally proposed, carried and adopted, viz.:—

1.—Resolved, it is the opinion of this meeting that it is expedient that a second place of public worship be erected in Bridge Town, in the parish of St. Michael.

2.—Resolved, that his Excellency the Governor, and the Governor or Commander-in-Chief of this island for the time being, the Lord Bishop of the diocese for the time being, the President of His Majesty's Council, or the Senior Member of Council in the island for the time being, the Speaker of the House of Assembly for the time being, the two Representatives of the parish of St. Michael for the time being, and the Rector of the said parish of St. Michael for the time being, be Trustees; in whom, with the sanction of the Legislature, the site of the proposed building, and the building be vested.

3.—Resolved, that a fund be formed, to be called "The Church Building Fund," out of all monies obtained either by grant or subscriptions; and that contributions be also thankfully received in materials, workmanship, or labour.

4.—Resolved, that the following gentlemen, viz: the Lord Bishop, the Honourable John Alleyne Beckles, the Honourable Reme Hamden, the Honourable John Brathwaite, the Honourable Nathan Lucas, the Honourable and Reverend John Hamlet Gittens, the Honourable William Gill, the Honourable Robert Haynes, the Reverend William Garnett, Samuel Maxwell Hindes, Henry Stephen Cummins, Gabriel Jemmett, John Barrow, Matthew Coulthurst, James Dottin Maycock, William Oxley, William Eversley, Forster Clarke, and Alexander King, Esquires, or any five of them, be a Committee from time to time to conduct, manage and carry into effect the objects of this meeting, with power to the said Committee to appoint a Chairman.

5.—Resolved, that Messrs. Higginson, Deane and Stott be the Treasurers, and William Eversley, Esquire, the Secretary.

6.—Resolved, that the annual stipend of the minister, salaries of officers, repairs and other expences of the church, be raised and paid out of the rents of the pews and seats, and no part raised or paid by or out of any parochial tax or assessment.

7.—Resolved, that as soon as the sum of £5,000 sterling be obtained, the Committee be empowered forthwith to take measures for the erection of a plain, but large and substantial building in the old church yard.

8.—Resolved, that the Committee be empowered to call a general meeting of the subscribers from time to time, to report progress and take any further measures.

John Barrow, Esquire, then moved, and his motion being seconded by the Honourable Judge Beckles, it was,

9.—Resolved unanimously, that the thanks of this meeting be given to the Right Reverend the Lord Bishop of the diocese for his able conduct in the chair, and also to his Excellency the Governor for his condescension in attending on the occasion.

This day's proceedings were then directed to be published in all the Newspapers of the island, and the meeting then adjourned, *sine die.*

No. 4.

My Lord, *Barbadoes, October* 4, 1826.

I BEG most earnestly to recommend to your Lordship's most favourable consideration the enclosed petitions, for pecuniary aid towards the erection of places for public worship, from the islands of Antigua, St. Christopher, and Anguilla.

With respect to the last, I enclose two former letters, which I have had the honour of laying before your Lordship, and I most anxiously hope to be honoured with your Lordship's commands to return a favourable answer to the petitioners; without the aid of His Majesty's Government, the petitioners state their entire inability to carry into effect the objects which they contemplate; and I am assured that your Lordship will pardon my earnestness in saying, that it is of the utmost importance that this aid, to whatever extent it may please His Majesty's Government, should be granted as speedily as possible.

I am receiving continually the Catachetical returns, and I hope soon to have the honour of laying a full report before your Lordship.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

ANTIGUA.

The humble Petition of the Vestry of St. Phillip's Parish of the said Island, soliciting aid from His Majesty's Government towards the erection of a new Parish Church, addressed to the Honourable and Right Reverend the Lord Bishop of Barbadoes and the Leeward Islands.

May it please your Lordship,

WHEREAS the present parish church of St. Philip's, Antigua, is altogether Want of a new Church.

unfit, both in itself and its situation, for the purposes of Divine worship, being a small mean structure of wood, going fast to decay, and unworthy of being put in repair, situated also in so warm a site, at the foot of a very steep and dangerous hill, at one extremity of the parish, that the very situation is considered by the parishioners as an obstacle to their due attendance to Divine service.

Your petitioners have long been anxious to provide a more suitable church in a more convenient and eligible situation, but hitherto have been prevented through the want of means to erect a building at all answerable to their wishes, or to the sacred purposes for which it would be designed. Even now their hopes of accomplishing this most desirable and necessary object depend in a great measure upon the prospect of assistance held out to them by your Lordship from the liberality of His Majesty's Government;—for your petitioners beg leave to observe, that the general pressure upon their finances still continues undiminished, whilst recent calls upon the resources of the parish, for repairing and enlarging the parsonage house at a considerable expence, have rendered them still less able to contribute as they could wish to the erection of a new church. Under these circumstances, and being anxious to erect a church which would be of more than double the capacity of the present one, with the view of making better provision for the accommodation of the lower classes, whether free or Slaves, your petitioners hope they may venture to solicit aid to such an extent as shall enable them at length to accomplish an object so necessary and so much desired.

Want of means to erect a suitable one.

Hope of assistance.

Peculiar need of it at present.

Proposed increase of accommodation for lower classes.

Calculation of expence.

The expence of the proposed church, independently of the ground for its site, is calculated at £2,850 sterling, at the very least. Towards this expence they regret deeply that all they have already been able to furnish from local resources is £850, and that all they can undertake to add to this sum is £1,000.

The remaining £1,000 your petitioners hope they may be allowed through your Lordship's favourable recommendation of so urgent a case to solicit from the liberality of His Majesty's Government. In their anxiety to have a new church, and relying upon the prospect of assistance held out to them, the vestry of St. Philip's had already caused the work to be begun; the foundations have been in fact laid in a more central and very eligible situation contiguous to the parsonage house, and materials for the building provided; but further operations suspended for want of funds to complete them. Your petitioners will, therefore, look anxiously for a communication from your Lordship concerning the success of their petition, fully confiding in your concern for the spiritual welfare of their parish, and your readiness to promote an object calculated, under the Divine blessing, to be productive of the most beneficial results. We have, &c.

Suspension of work already begun.

(Signed) THOMAS PARRY, Rector.

RICH[d]. GARLAND, } Church Wardens.
JOHN FARR, }

To the Honourable and Right Reverend Father in God, William, Lord Bishop of Barbadoes and the Leeward Islands.

The Memorial and Representation of the Vestry of the Parish of St. Paul, Capisterre, in the Island of St. Christopher,

Respectfully sheweth,

THAT your memorialists, desirous to attend to the suggestions of your Lordship, for the improvement of their parish church, have recently imported a set of marble tablets, a font, and books of registry, the cost thereof amounting to the sum of £230 sterling.

That since your Lordship's visit to this part of your diocese, the sum of £200 sterling has been expended by shingling, painting and white-washing the church.

That to liquidate the sums of money above enumerated, together with the ordinary annual expences of the parish, a very onerous cash tax has been imposed on the parishioners (far exceeding the average of many preceding years) in addition to the sugar tax, for paying the Rector's annual stipend.

That for the defrayment of parochial expences, it is the practice sanctioned by law, to levy a poll-tax on the Slaves of the parishioners.

That the number of Slaves in this parish bears but a small proportion to those in the other parishes in this island respectively, and as the burthen of parochial expences falls exclusively on the Owners of Slaves, it is most oppressive in the parish of St. Paul, from the paucity of Slave Owners.

Your memorialists are induced to make this representation to your Lordship in consequence of their Rector (the Rev. J. H. Walmyn) having communicated to them your Lordship's desire that the parsonage-house in this parish should forthwith be repaired.

Your memorialists, therefore, further represent to your Lordship, that the parsonage-house is in such a ruinous state, that to render it a suitable residence for the Rector, by repairing it, is altogether impracticable, and that it is absolutely necessary to erect a new building on the old site.

That your memorialists have had an estimate prepared by a competent architect, shewing the quantity of lumber and other materials requisite for such an undertaking, together with the cost of workmanship, amounting in the whole to the sum of £1,000 sterling.

Your memorialists respectfully assure your Lordship, that the parishioners have severely felt the pressure of the tax recently imposed on them, and that their embarrassed circumstances render them totally incapable to sustain an additional parish rate to meet any portion of the sum of money required for carrying your Lordship's directions into effect.

Your memorialists, therefore, venture to appeal to the benevolent aid of your Lordship, and respectfully pray your Lordship to grant them the sum of £1,000 sterling, out of the fund placed at your Lordship's disposal by His Majesty's Government, to enable them to erect a parsonage-house in the parish of St. Paul, and your memorialists, as in duty bound, will ever pray,

(Signed) P. F. GRANT,
CHAS. C. CAINES,
WM. D. SHARRY,
Rd. A. MERCER,
STEWART S. DAVIS,
WM. ANy. MAILLARD,
} Vestry Men.

WM. PENNYFEATHER, Church-Warden.

St. Paul's, Capisterre, August 28, 1826.

To the Right Honourable Earl Bathurst, K. G., one of His Majesty's Principal Secretaries of State, &c. &c. &c.

The humble Petition of the Inhabitants of the Island of Anguilla,

Sheweth,

THAT your petitioners are grateful to your Lordship for the measures originating in the department of your Lordship, which tend so largely to advance the interests of this colony.

That your petitioners contemplate, with the most lively emotions of hope and joy, the advantages which, after a long and sad interruption, are held out to them of pastoral care under episcopal superintendence by the residence of a Minister of the Established Church among them.

That your petitioners deplore that the island does not possess a suitable place for the purposes of public worship, the two churches having been most

wantonly destroyed by an expedition from the island of Guadaloupe, organized by the atrocious Victor Hugues in the year 1796.

That your petitioners are anxious, by every contribution within their means, to rebuild one or both of these churches for the benefit of their own immortal souls, and, as they humbly trust, to the glory of God; but that these means, under the privations to which your petitioners have been exposed, and under the actual exhaustion of the colony, are utterly inadequate to such pious purpose.

That your petitioners have not silver or gold, but that they will gladly contribute all that they can command for this object, and that they will undertake to provide lime, stones, and labour to the amount of £1,000 sterling. That it is expedient, in the first instance, to rebuild one of the churches on the site selected by the Right Reverend the Lord Bishop of the diocese, and that the estimated expence thereof, of a school-room at the Road-Bay, and of a suitable parsonage-house, amounts to the sum of £2,000 sterling.

That your petitioners appeal to the known benevolence of your Lordship to make such representation of their poverty, and of their hearty desire once more to be placed within the reach of religious influence, as may induce His Majesty's Government to extend its paternal spirit to them by giving the sum of £1,000 sterling in aid of the purpose hereinbefore mentioned.

And your petitioners beg leave, also, most respectfully to represent that the proposed buildings can only be erected at the estimate which is stated, by a permission for vessels of The United States of America to enter the port of Anguilla with the lumber that will be required; for, if it is to be obtained through the medium of a foreign island, the expence of it will be increased thirty or forty per cent. Your petitioners therefore humbly pray that the port of Road Bay, in this island, may be one of the free ports under the Act Geo. 4, c. — a measure which is not only called for by the present emergency, but which the destitute condition of the island, and its desire to meet the wishes of His Majesty's Government, in regard to its Slave population, most imperiously demand—a desire which, in regard to the article of food more especially, must be frustrated, unless the supplication of your petitioners be favourably received.

And your petitioners will ever pray.

On the behalf of the assembled white and free coloured inhabitants of the island of Anguilla, this 16th day of August 1826,

(Signed) BENJAMIN GUMBS.

Sir, *Anguilla, 16th August* 1826.

I HAD the honour of receiving your letter of the 31st ultimo, from which I am happy to learn that the inhabitants of this island are about to receive religious instruction under the superintendence of the Established Church, and that the appointment of a clergyman for that important purpose has already been made by his Lordship the Bishop of this diocese.

In conformity with your suggestion I have the pleasure of enclosing a petition from the inhabitants, praying the assistance of His Majesty's Government in enabling them to erect a church, together with a parsonage-house and a school-room.

I have only to add, that, with regard to a catechist and clerk, there is no doubt that a person qualified to act in that capacity could be procured in this island.

I have, &c.

(Signed) BENJ. GUMBS, President.

The Honourable the Rev. Daniel G. Davis.

No. 5.

Extract from a Letter from the Bishop of Barbadoes to Earl Bathurst, dated Barbadoes, 31st October 1826.

I LEFT this island on Friday evening the 3d of August last, and reached St. Vincent's early on the following morning; and, after a satisfactory adjustment with the Governor of the several matters that had led to my visit, and making other necessary arrangements on the Saturday, and taking part in the duties of the Sunday, I proceeded early on Monday morning to visit the whole of the western coast of the island, landing successively at Queen's Bay or Buccament, Layon, Barronallie, and Chateau Belair, and taking steps for the establishing of schools and temporary places for Divine worship at the three latter, and directing service to be performed on alternate Sundays at the former, in a chapel already erected by Mr. Wilson, one of the Members for Yorkshire, and placed by his Attorney, Mr. Dalzel, at my service. I have great pleasure in informing your Lordship, from the last accounts received from St. Vincent's, that, through the indefatigable and judicious exertions of the Rev. Robert Holberton, aided by two catechists from this island, and a school-master at Layon and Chateau Belair, the whole of the western side of the island, including the parishes of St. Patrick and St. David, has been brought under regular religious instruction; and I am happy in being able to add further, that Mr. Holberton has been enabled to extend his care to the Charibs at the foot of the Souffriere; nine of their children had been baptized; the attendance of their children at school promised, and two of the Charib Chiefs had attended Divine service on the Sunday at Chateau Belair.

On Monday evening I returned to Kingston; and after being present on the Tuesday at the formation of a District Committee, of the Society for Promoting Christian Knowledge, and a Branch Association of the Society for the Religious Instruction of the Slave Population, in which I have to express my acknowledgements to the Governor for the effectual assistance which he was pleased to render by his personal influence, and liberal pecuniary subscription, I left St. Vincent's that evening for Bardadoes, but having to beat up against the wind, I did not reach this island till the Sunday evening following, though the distance between the two islands is scarcely more than eighty miles.

I have to apologize to your Lordship for this long detail, but I trust it will not prove uninteresting; and from the Legislative grant of £5,000 sterling, which has recently been voted in St. Vincent's, for the erection of churches and parsonage houses in that and the neighbouring island of Beguia, and the arrangements which I have since made for the supply of an additional clergyman and catechists, I have every reason to hope that I shall have the honour of making a very full and satisfactory report to your Lordship.

No. 6.

SIR, *Barbadoes, December 21, 1826.*

IT is with very great pleasure that I have the honour to acknowledge the receipt of your letter of the 19th of October last, together with a copy of a letter of the same date from the Lords Commissioners of His Majesty's Treasury, communicating the resolution of their Lordships to propose to Parliament a grant of £3,466 13s. 4d. sterling towards the erection of the new church in Bridge Town, and to place this sum, when granted, at the disposal of the Committee appointed by the Colonial Legislature to superintend the building of the church.

I shall have the honour of laying this communication officially before the Committee to-morrow, at their first meeting since my return from Demerara, and the receipt of your letter; and shall I doubt not be requested to express in strong terms, the very great satisfaction which they feel at this prompt and liberal reply of His Majesty's Government to their memorial of the 3d of July last.

I have, &c.

R. W. Horton, Esq. (Signed) W. H., BARBADOES.

&c. &c. &c.

No. 7.

Extract of a Letter from the Bishop of Barbadoes to Earl Bathurst, dated St. Vincent, 27th January 1827.

I HAVE great pleasure in informing your Lordship that I left Barbadoes a fortnight since, and have visited Tobago, Trinidad, Grenada, with its Leeward Coast, the Isle Blonde, Cariacou and Beguia, and am just arrived at St. Vincent's, and whilst I have been every where received with much personal kindness and respect, I have been much satisfied with the progress made in *the erection of churches and parsonage houses,** and more especially in the formation of schools in the chief towns of the several islands.

The Ecclesiastical state of the several islands I shall have the honour of presenting to your Lordship in detail on my return to Barbadoes. I purpose to stay in this island till Monday, and visit the Leeward Coast, under the Reverend Mr. Holberton to-morrow (Sunday), and proceed to St. Lucia, and from thence to Barbadoes.

Your Lordship will have the goodness to excuse these few lines, but it is the only *regular* opportunity by which I can write, till the arrival of the next island packet.

Your Lordship will be particularly glad to hear, that the feelings in Tobago towards myself and the measures which I proposed, were every thing which I could have wished, and that the system of Catechetical instruction is gaining ground in every island.

I have left a clergyman in Tobago, to take charge of that island.

No. 8.

My Lord, *Downing-Street, March 7,* 1827.

I TRANSMIT to your Lordship, with reference to your despatch of the 4th October last, copies of a correspondence which has taken place between this Department and the Treasury on the subject of the petitions which your Lordship transmitted in behalf of the islands of Antigua, St. Christopher, and Anguilla, for aid in the erection of church buildings.

Your Lordship will perceive that the Lords Commissioners of the Treasury have consented to apply to Parliament for grants of £1,000 each, for the church buildings in Antigua and Anguilla, provided that plans of the buildings be transmitted to them; and that in the case of Antigua, your Lordship shall be enabled to certify, that the whole of the additional money necessary to complete the proposed building (which was stated at £1,850 sterling), has been raised in the colony. With respect to the case of Anguilla, I have to request that your Lordship will require a strict compliance with the engagement on the part of the inhabitants, upon the faith of which the grant was recommended, viz.: that the manual labour and such materials as the island affords be supplied by the inhabitants.

Your Lordship will observe, that it has been impossible at present to recommend a grant in favour of St. Christopher, as there is not yet any money raised by the inhabitants towards the erection of the proposed church buildings.

I have, &c.

The Lord Bishop of Barbadoes. (Signed) BATHURST.

* I allude to the new church in Grenada, the parsonage house in the Guare in the same island; the house for the clergyman purchased in Beguia, and the arrangements in contemplation for a church and school-house; and the expences incurred on the Leeward Coast of this island by the Local Legislature. I enter into this detail, lest the expression should mislead your Lordship.

SIR, *Downing-Street, December* 4, 1826.

WITH reference to your letter of the date mentioned in the margin, in which you notified the conditions and the scale on which the Lords of the Treasury considered that aid should be granted from the funds of this country, towards the erection of church buildings, I am directed by Lord Bathurst to enclose, for their Lordship's favourable consideration, a despatch which has been received from the Bishop of Barbadoes, containing three petitions; one from Antigua, another from St. Christopher's, and a third from Anguilla. In the first of these the petitioners state the estimated expence of the church proposed to be built, tobe £2,850 sterling. "They regret deeply that all they have already been able to furnish from local resources is £850, and all that they can undertake to add to this sum is £1,000." They, therefore, solicit the remaining £1,000 sterling, as a contribution from this country. In this case Lord Bathurst is desirous to recommend that the aid applied for should be granted whenever the petitioners shall have actually raised the additional sum of £1,000, and that the intention so to make the grant should be notified to them immediately, as it may facilitate the collection of what remains to be subscribed. With respect to the petition from St. Christopher's, although the petitioners specify sundry Ecclesiastical expences which have recently been provided for from local funds, yet as no money has been specially appropriated to the erection of the particular building for which they solicit £1,000 from His Majesty's Government, Lord Bathurst cannot undertake to recommend that any grant should be made at present. 28th April 1826.

With respect to the case of Anguilla, Lord Bathurst has already had occasion, in my letter of 11th November 1825, to bring to the notice of the Lords of the Treasury the destitute condition to which that island was reduced by a descent of the enemy during the war. Both the churches were destroyed, as well as the other public buildings, and a great part of the town. As the more respectable inhabitants were ruined, the public records burnt, the statutes themselves destroyed, and there were no means left of administering justice, the community continued without any political existence until lately, when the Assembly of St. Christopher's agreed to admit a representative from Anguilla, and to make laws for that island, on the express condition of exemption from any expences on its account. This measure was resorted to because it was known that heinous offences had been recently committed in the island with impunity, and the necessity was felt of establishing a Court of Judicature; towards the expences of this Court their Lordships were pleased to contribute £200 a year, on Lord Bathurst's representation, that the island was without money—credit, the circulating medium being stated at less than £500 amongst more than three thousand inhabitants. His Lordship, therefore, trusts that, on the same grounds, their Lordships will allow the case of Anguilla to form an exception from the rule of granting money for church buildings only in proportion as local funds are provided. The island is now without any place of worship, for the inhabitants, since the destruction of their property by the French forces, have never had the means to rebuild the two churches which were then destroyed. Their Lordships will perceive, however, that such a community is peculiarly in need both of religious instruction and of the controul and observation of some respectable resident; and Lord Bathurst, under all these circumstances, strongly recommends to their Lordships the grant of £1,000 sterling as solicited, and that it be placed at the disposal of the Bishop for the erection of a church, a parsonage house, and a school, with special directions strictly to exact the performance of the engagement on the part of the inhabitants to supply gratis their manual labour and such materials as the island affords.

I have, &c.

W. Hill, Esq. (Signed) R. W. HORTON.
&c. &c. &c.

SIR, *Treasury-Chambers, March* 3, 1827.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your letter of the 4th December 1826, transmitting the copy of a despatch

from the Bishop of Barbadoes, containing three petitions, one from Antigua, another from St. Christopher's, and a third from Anguilla, respectively soliciting aid towards the expence of erecting church buildings in those islands; I am commanded to acquaint you, for the information of Earl Bathurst, that my Lords will be disposed to propose to Parliament that the sum of £1,000 should be granted towards the building a church at Antigua, when the Bishop of the diocese shall have certified that the whole of the remainder of the money necessary for the completion of the building has been raised, and also upon his transmitting a plan of the building.

With respect to the application from St. Christopher's, my Lords can give no directions, nor can they hold out any promises of aid hereafter, the inhabitants not having, by making a distinct promise for defraying a part of the proposed expence, put themselves in a condition to apply for any grant from this country, in conformity to their Lordship's letter of the 28th of April last.

With respect to the application for a grant towards building a church in the island of Anguilla, my Lords, taking into consideration the very destitute situation and poverty of this island, will submit to Parliament that a grant of £1,000 should be made for the erection of this building in that island; but they desire that the Bishop of the diocese may be instructed to transmit a plan of the proposed buildings previously to the commencement of the work, and that he may be informed that their Lordships will not advance more than £500 before the 5th of January 1828, and £500 between that time and the 5th of January 1829.

I have, &c.

(Signed) J. C. HERRIES.

R. Wilmot Horton, Esq.
&c. &c. &c.

No. 9.

My Lord, *Barbadoes, 14th April 1827.*

I HAVE the honour to acknowledge the receipt of your Lordship's letters of the annexed dates,* and have forwarded by this mail-boat the necessary extracts from them to the several islands concerned.

I beg to express my best thanks to your Lordship and to His Majesty's Government, for the proposed grants to Antigua and Anguilla, and would still be permitted to express a hope that St. Christopher's will yet place itself in a condition to receive the benefit of similar assistance.

I shall not fail to take every care in my power that the requisitions contained in your Lordship's letters be most strictly complied with.

I have, &c.

(Signed) W. H., BARBADOES.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

APPENDIX.

ST. CHRISTOPHER.

My Lord, *St. Christopher, May* 5, 1827.

I HAVE deferred reporting to your Lordship, in conformity with your Lordship's desire in your letter dated the 21st of last May, in the hope that I should have had the satisfaction of announcing to your Lordship, that some progress had been made in carrying into effect the intentions of His Majesty's Government, with regard to the Slave population of the islands under my administration, and it is with considerable regret I have to acquaint your Lordship, that I have been lamentably disappointed in this reasonable expectation.

In my Letter, dated the 7th of October last, I have already had the honour of apprizing your Lordship, that Mr. Attorney-General Woodley had prepared four Amelioration Bills from the heads transmitted by your Lordship, and of their having been introduced into the House of Assembly at St. Christopher by Mr. Smith, one of The King's Counsel; the first for a Guardian or Protector of Slaves, on the 15th of September, and the three others on the following 6th of October, when they were read the first time, and ordered to be read the second time at the next meeting, which, by the Minutes of the House, did not take place.

I have been informed, that the House of Assembly would not adopt the Bill for the protection of Slaves, but proposed to appoint "a Committee of Protection," with a Secretary instead of a Protector or Guardian of Slaves; and directions were given to Mr. Attorney-General Woodley to prepare a Bill, which was done, read twice, and referred to a Committee; but on the 4th instant, when a proposal for its third reading was made, a motion was put and carried, that it be read the third time that day six months. With respect to the other Bills, I am not aware that any progress has been made in them.

The delay this important question has met with, and the result of the decision of the House of Assembly upon the first Bill your Lordship directed to be submitted to the House, will enable your Lordship to judge of the adverse disposition of the House of Assembly of this island to carry into effect the various provisions which His Majesty has directed to be brought before that branch of the Legislature.

NEVIS.

In my letter, the 7th of October last, your Lordship was informed that eight amelioration Bills, prepared by Mr. Solicitor-General Forbes from drafts transmitted by your Lordship, were introduced into the House of Assembly at Nevis, by Mr. Peterson, on the 23d of last September, and I have since learnt that the first seven were sent up to the Board of Council on the 15th of last February, with the alterations and amendments made in them by the House of Assembly, after having been read twice, according to the usage observed between the two Branches of the Legislature.

The first Bill has been altered to "An Act for establishing and vesting in the Magistracy of the island of Nevis the Protection and Guardianship of Slaves, by which the Justices of the Peace are constituted jointly and severally public Protectors and Guardians of Slaves." A special Protector and Guardian of Slaves, as suggested by His Majesty's Government, was almost unanimously rejected.

On the 22d of the same month, the Board of Council came to a determination that the seven Amelioration Bills, which had been sent up at the previous meeting from the House of Assembly, should lie on the table for six months, a proceeding that speaks for itself, and will be conclusive to your Lordship of the sentiments of that Board on this subject.

With respect to the Virgin Islands, I have not yet received any intimation of the progress made in forwarding the views of His Majesty's Government, regarding the above Bills, other than that the subject is before the House of Assembly, but I trust it will be in my power to report upon it to your Lordship by the next mail.

I have, &c.

(Signed) CH. W. MAXWELL.

The Right Hon. Earl Bathurst, K.G.
&c. &c. &c.

ST. VINCENT.

No. 1.

Government-House, St. Vincent's,
21st February 1827.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 7th December last, requiring me to transmit full particulars of the manner in which the eight bills, received from the Colonial Department, relating to the amelioration of the condition of the Slaves in this colony, were brought forward in this House of Assembly, for the consideration of the Legislature.

In answer thereto I beg to observe, that, on the receipt of your Lordship's despatch, dated 21st May, accompanying those bills, I did consult with the Crown Officers, and after much anxious deliberation, it was deemed advisable to frame one bill, embracing severally and distinctly the suggestions of your Lordship; and I request a reference to the inclosed letter from those officers in explanation of the reasons which induced them to recommend a deviation from the instructions of your Lordship. I acquiesced in their opinion from local circumstances, but more particularly as I conceived the last communication from your Lordship on this subject, gave those Officers a greater latitude for the exercise of their discretion than is conveyed in the despatch of the 19th March preceding, but as your Lordship appears to have considered it absolutely necessary that the Assembly should have the bills separately before them, I lost no time in complying therewith, and have to report they are now separately and distinctly under consideration. I am sorry I cannot add any favourable opinion as to the ultimate decision thereon, fearing as I do (and my experience justifies the apprehension) that the three leading principles: protectorship of Slaves—punishment of females—and compulsory manumission—will not meet the approbation and concurrence of the Legislative Bodies.

The original bill prepared by the Crown Officers, which was laid before the House of Assembly, accompanies this despatch for your Lordship's information.

I have, &c.

The Right Hon. Earl Bathurst, K. G. (Signed) C. BRISBANE.
&c. &c. &c.

Sir,

St. Vincent's, February 19, 1827.

WE acknowledge the receipt of your Excellency's communication, with the enclosure, and beg to inform you that it was our advice and opinion that the eight bills should be consolidated into one, because they relate to one object—the amelioration of Slaves, and likewise, because they are dependent upon one leading principle—the appointment of a Protector of Slaves. The greatest errors in legislation have arisen from a multiplication of Acts, and there is now in progress a system of condensation which is absolutely necessary for understanding our laws.

With respect to the power which we assumed of consolidating *these* bills from eight into one, we beg to state that we did not act under Lord Bathurst's despatch of 19th March 1826, nor were the eight bills then in existence here, but under his Lordship's letter of the 21st May 1826, which accompanied the eight bills, we conceived we had full power "to prepare drafts of as many distinct bills as we might think best adapted to the giving full and complete effect to the wishes of His Majesty's Government, because we were supposed to possess, "the intimate and practical acquaintance with the laws of the island"

We have, &c.

(Signed) J. R. DASENT.
CHAS. SHEPHARD.

His Excellency Rear-Admiral Sir C. Brisbane, K. C. B.
&c. &c. &c.

No. 2.

My Lord, *Government House, St. Vincent, 25th April* 1827.

I HAVE the honour to inform your Lordship, that, in conformity to your instructions, I directed Mr. Shephard, the Acting Solicitor General (being a Member of the Legislature) to introduce the eight Bills transmitted by your Lordship for the consideration of that body; and to report to me the proceedings thereon in the House of Assembly. I enclose that gentleman's communication for your Lordship's information.

The Legislature appears to be so fully convinced, that they have gone as far as prudence will allow, at present, respecting the improvement of the Slave population, that I cannot offer any hopes that the measures suggested by His Majesty's Government will be adopted, until the expiration of the present Slave Act, when the progressive improvement of the Slaves will probably admit of further benefits being conferred on them.

I have, &c.

(Signed) C. BRISBANE.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

Sir, *St. Vincent, March* 8, 1827.

IN obedience to your Excellency's letter of the 15th of January, I introduced the eight Bills you forwarded me, separately, for the consideration of the House of Assembly, which came to a second reading on the 8th of March, and were separately committed and fully considered, but were thrown out on the third reading without a division.

The observations I have to offer, according to your Excellency's directions, are, that it appeared to me to be the unanimous opinion of the House that most of the ameliorations proposed had been already anticipated by our Slave Act, as far as it was prudent at present, but the office of a Protector of Slaves, the total abolition of female whipping, and the compulsory manumission, would not be adopted by the House. I have, &c.

(Signed) CHARLES SHEPHARD.

Rear-Admiral Sir C. Brisbane,
&c. &c. &c.

No. 3.

Sir, *Downing-Street, June* 18, 1827.

IN reply to your dispatch of the 21st February last, I am to observe that the construction put by the Law Officers of the colony under your Government, upon Lord Bathurst's dispatch of the 21st May 1826, though a natural construction if that dispatch alone were considered, could not be adopted in consistency with the dispatch of 19th March preceding. The discretion given to the Law Officers in the dispatch of May was merely to enable them to omit any bills of which the objects might have been already provided for by Acts of the Colonial Legislature, but was not intended to supersede the direction that so many of the bills as should be necessary to fulfil the wishes of Government, should be brought separately before the Assembly. The purpose of the direction was to bring the Assembly to divide upon each of the measures proposed. I have the honour to be, &c.

Rear Admiral Sir C. Brisbane, K. C. B. (Signed) GODERICH.
&c. &c. &c.

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